



MEETING OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, October 4, 2016 6:30 p.m.

I. REGULAR MEETING CALLED TO ORDER –

II. PLEDGE OF ALLEGIANCE – Led by Mayor Pro-Term Hal Brown

III. ROLL CALL – All members of the City Council, and staff were present with the exception of Mayor LiVecchi.

IV. PRESENTATION

- a) Xcel Energy Presentation – Ashely Valdez
- b) Proclamation – Dedicating a Day to John Bayuk – (Hal Brown)
Pro-Tem read the proclamation aloud to the City Council and to the members of the public present.

V. CITIZEN PARTICIPATION – *Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

Donna Rhoads of Salida stated that SPOT has been working with Tom Pokorny with the little rivers project and would like to write a grant to complete the proposed trails in the plan. Rhoads stated that if the annexation goes through, they would be asking the City to sponsor the grant. With the City's sponsorship, the grant would be written and submitted by November 1st. A resolution supporting the grant will be brought back to the City Council for consideration at the October 18, 2016 City Council Meeting.

Alison Brown of Salida stated that she listened to the City Attorney's presentation regarding the violations of the Taxpayer Bill of Rights (TABOR). Brown stated that her concern deepened when the City Attorney presented options to come into compliance at the September 21, 2016 Joint Work Session with the NRCDC Board, that could result in the rapid sale of the land. Brown continued to state that the Vandaveer presents an opportunity to address key needs for the community. Brown stated that since the discussion of the City will have an impact on future generations of Salida, it warrants receiving an opinion from an expert in TABOR compliance. Brown stated that she had personally retained a law firm to advise her as to whether or not the loan debt acquired by the NRCDC is debt held by the City and if it is in compliance with TABOR. Brown stated that she has provided the opinion from the attorney that she retained, which indicates that the NRCDC is an exempt enterprise under TABOR and the NRCDC debt is not the debt of the City. Brown stated that the opinion along with two other opinions conclude that the City is not in violation of TABOR. Brown stated that she hopes the City will make careful considerations for what is in the best interest of the Salida citizens. Brown closed by stating that if the City does not reconsider its position on the issue, she is prepared to ask the Chaffee County Court to review the issues.

Jeff Auxier of Salida stated that the Vandaveer Ranch was acquired illegally, was run in secret and felt that funds were diverted to the NRCDC. Auxier continued to state that it does not matter whether there is a TABOR violation; it matters to get the land sold and the debt retired. Auxier stated that the City Council and the NRCDC Board are too focused on whether or not the organization is in compliance with TABOR.

Louise Fish of Salida read from the Feeley opinion letter that was provided to City Council at the September 20, 2016 City Council Meeting. Fish stated the letter indicates that the operation of the NRCDC is entirely consistent with the common and long standing practice Colorado Cities have used to finance certain projects. Fish wanted to know whether the City Attorney contacted other firms and any opinions from those firms might have said.

07:07:20

VI. SCHEDULED ITEMS

1. **Consent Agenda** (Christian Samora)
 - a. Approval of Agenda
 - b. Approval of Minutes – September 20, 2016
 - c. 2016 Annual Shed Fest – October 15, 2016
 - d. 2016 Salida Fire Department Open House – October 15, 2016
 - e. Salida Elks Lodge Annual Charity Ball – November 19, 2016

Bowers motioned to combine and approve the itmes on the Consent Agenda. Brown-Kovacic seconded the motion.

07:07:51

2. **505 Illinois Tap Fee Concession Request** (Steven Rabe)

Joe and Paige Judd were present for the presentation. Joe stated that they have undertaken the project to hopefully help the housing problem in Salida. Joe continued to stated that they are not asking for a variance, but rather to have a correct classification. Joe Judd gave a presentation that followed along with a letter that was included in the City Council packet.

Hallett clarified that it would not change the zoning, but would only change the classification.

Rogers stated that she really appreciated the Judd's efforts. Rogers stated that the City's cooperation would be a sign to the community that the City is moving forward for affordable housing in the community.

Brown-Kovacic stated that she also appreciates the commitment the Judds have to the community. Brown-Kovacic asked if there is a way to solidify the AMI, so that it is a permanent situation. Joe Judd stated that it was not their intent to get into an affordable housing program, but felt it added a lot of cost and a lot of time.

Brown asked for some quantification of what the benefit would be to grant the request.

Paige Judd stated that the request is not for a concession, but rather for an interpretation of the City Code.

Brown stated that the City Council should be doing something to help business owners and developers to the extent that they can while also being fair.

Brown stated that he is very much in favor of granting the request. Brown asked what there was in a way of president. Rabe stated that there are two requests and felt it was within their rights to ask. He stated that the previous administrator likely said it would be commercial because it is a commercial for profit complex.

Rogers stated that the difference is the water usage with the commercial. Rogers stated that she felt it was justified because it was more like homes.

Hallett felt it was a logical point, but felt that if the City is going to encourage building that this could be a step to go in the direction as a developer and the public.

Brown-Kovacic asked what the difference would be.

Brown stated that a resolution should be brought back to approve the request.

Brown-Kovacic stated that she would like a restricted use be placed on the process.

The City Council was in agreement to bring a resolution forward at the October 18, 2016 City Council Meeting for an official consideration and approval of the request.

07:38:35

3. Buffalo 50 Substantial Compliance (Beverly Kaiser)

Resolution 2016-77 finding the Buffalo 50 LLC annexation petition to be in substantial compliance with State Statutes and setting a Public Hearing on said petition

Kaiser gave an introduction and provided background information.

Rogers motioned to approve Resolution 2016-77, a resolution of the City Council, City of Salida finding the Buffalo 50 LLC annexation petition to be in substantial compliance with State Statutes and setting a Public Hearing on said petition. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

07:42:00

4. Altamont Annexation Agreement (Beverly Kaiser)

Resolution 2016-78 approving an Annexation Agreement with Altamont LLC for the annexation of certain real property into the City

Kaiser gave an introduction and provided background information.

Hallett asked if the applicant was required to run the utilities across the property. Kaiser confirmed.

Brown-Kovacic asked about the potential of noise.

Kaiser stated that the applicant would be willing to add screening and place noisy operations away from the motel.

Rogers motioned to approve Resolution 2016-78, a resolution of the City Council, City of Salida approving an Annexation Agreement with Altamont LLC for the annexation of certain real property into the City. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

07:46:20

5. Altamont Annexation, 1st reading (Beverly Kaiser)

Ordinance 2016-17 annexing to the City of Salida a certain tract of land in unincorporated Chaffee County Known as the Altamont LLC Annexation

Kaiser gave an introduction and provided background information.

Bowers motioned to approve Ordinance 2016-17 annexing to the City of Salida a certain tract of land in unincorporated Chaffee County Known as the Altamont LLC Annexation, ordering the ordinance published in full and setting a Public Hearing for October 18, 2016. Granzella seconded. With all in favor, THE MOTION CARRIED.

07:45:25

6. **Altamont Zoning, 1st Reading** (Beverly Kaiser)
Ordinance 2016-18 zoning certain real property known as the Altamont LLC annexation under the C-1, Commercial Zone District

Kaiser gave an introduction and provided background information.

Granzella motioned to approve Ordinance 2016-18, an ordinance of the City Council, City of Salida zoning certain real property known as the Altamont LLC annexation under the C-1, Commercial Zone District, ordering the ordinance published in full and setting a Public Hearing for October 18, 2016. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

07:51:15

7. **Little Rivers Zoning, 1st Reading** (Beverly Kaiser)
Ordinance 2016-19 zoning real property known as the Little River Annexation under the C-2, Central business, R-3 High density Residential, R-2 Medium Density Residential, and RMU Residential Mixed Use Districts

Kaiser gave and provided background information.

Brown-Kovacic asked what the C-2 would allow. Kaiser stated that they are considering live-work units.

Brown clarified that it would only be the zoning.

Brown-Kovacic motioned to approve Ordinance 2016-19, an ordinance of the City Council, City of Salida zoning real property known as the Little River Annexation under the C-2, Central business, R-3 High density Residential, R-2 Medium Density Residential, and RMU Residential Mixed Use Districts, ordering the ordinance published in full and setting a Public Hearing for October 18, 2016. Granzella seconded. With all in favor, THE MOTION CARRIED.

07:57:43

8. **Little Rivers Major Impact Review, 1st Reading** (Beverly Kaiser)
Ordinance 2016-20 Zoning a 18.8 acre area of land known as Lot 2, Lot 3 and Lot 4 Little River Annexation as a Planned Development known as Two Rivers Planned Development

Kaiser gave an introduction and provided background information.

Bill Smith of Salida stated that in general the idea was to put the commercial and more dense zones closer to CR 105 and Hwy 50 and have the less dense lots further from the highway and the CR. He continued to state that it also has to do with the geography. Smith stated that the ten foot setbacks are more typical in the older Salida neighborhoods.

Pokorny stated that he has profiles to show the streetscape.

Rogers motioned to approve Ordinance 2016-20, an ordinance of the City Council, City of Salida, Zoning a 18.8 acre area of land known as Lot 2, Lot 3 and Lot 4 Little River Annexation as a Planned Development known as Two Rivers Planned Development, ordering the ordinance published in full and setting a Public Hearing for October 18, 2016. Brown-Kovacic seconded the motion. With all in favor, the motion carried.

08:33:16

VII. EXECUTIVE SESSION

Granzella motioned to enter into executive session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Natural Resource Center Development Corporation/TABOR Compliance

Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

VIII. REPORT/ACTION

Brown stated that no action will be taken following the Executive Session.

9. Administrator & Deputy City Clerk

- Interim City Administrator Report – Steven Rabe
- Deputy City Clerk Report – Christian Samora

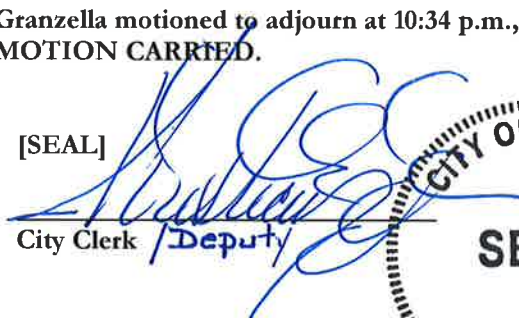
10. Elected Official Reports


- City Clerk – Betty Schwitzer
- City Treasurer – Theresa Cortese – Sales Tax Report
- City Council- Michael Bowers, Hal Brown , Cheryl Brown-Kovacic, Rusty Granzella, Melodee Hallett and Eileen Rogers.

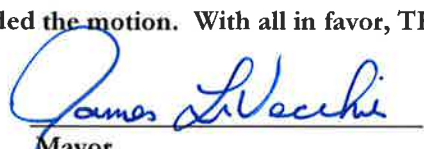
Brown-Kovacic stated that she has a request from Sage Generation that asked for a letter of support for an 18 month planning grant that would be for affordable housing for seniors. There was not any objection from the City Council.

IX. ADJOURN –

Granzella motioned to adjourn at 10:34 p.m., Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

[SEAL] 
City Clerk / Deputy




Mayor

