



**MINUTES SPECIAL MEETING
CITY COUNCIL CHAMBERS
448 East 1st Street**

Salida, Colorado

May 24, 2010

5:30 p. m.

A special meeting of the Salida City Council was held this date in the City Council Chambers, 448 E. 1st St. The meeting was called to order at 5:10 p.m. by Mayor Charles Rose

ROLL CALL -

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

Absent were Council Member Steven Stewart, City Treasurer Eileen Rogers and City Attorney Karl Hanlon.

1. Imposing a Temporary Moratorium on Medical Marijuana in Salida by Emergency Ordinance-
Ordinance 2010-03 an Emergency Ordinance of the City Council of the City of Salida, Colorado, imposing a temporary moratorium on Medical Marijuana dispensaries as a permitted use in City's C-1 Zone District and on the Acceptance, processing and approval of any application for medical Marijuana-related business in the City of Salida.

City Administrator Jack Lewis presented written materials that are included in the packet for the record. The ordinance being presented was written with direction that Council gave to the City Attorney. If approved today the moratorium would be in effect, thus not allowing new dispensaries, grow operation from this day until July 1, 2010 per the recent state legislation. Currently we know that Salida has three operating dispensaries. All three of these have valid sales tax licenses. There was a 4th one, that closed shop. Those three would be allowed to continue to operate. The city will have basically a year to see how they want to manage this type of entity until July 1 2011. The new regulations come into place July 1, 2010. There are currently 62 residents holding cards in Chaffee County. City council approved Ordinance 2009-18 which allows a medical marijuana dispensary to operate in the C-1 zone district, and ensures that a dispensary cannot be within 500 feet of a school Council Member Baker said as a statutory City we are bound by State law. Mayor Rose said we are also bound by the Colorado Constitution.

Mayor Rose opened the public hearing and asked if any proponents or opponents wished to speak they should sign their name on the sign up sheet on the lector.

Brian Cumby owns Grass Rootz, an established dispensary and does have a retail sales tax license. He has applied for a conditional use permit for an optional grow license at his current location.

Jan Nelson, 7618 CR 253, asked if Salida is requires a business license. Salida currently has no business licensing in place. Ms. Nelson owns Compassionate Caregivers in Salida and wants to make sure she is on the list. City Administrator noted that the name Compassionate Caregivers is not on the list to date.

Mayor Rose closed the public hearing.

A motion was made by Yerkey to approve ORDINANCE 2010-03 AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, IMPOSING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES AS A PERMITTED USE IN CITY'S C-1 ZONE DISTRICT AND ON THE ACCEPTANCE, PROCESSING AND APPROVAL OF ANY APPLICATION FOR MEDICAL MARIJUANA-RELATED BUSINESS IN THE CITY OF SALIDA, ordering the ordinance be published in full. The motion was seconded by Baker.

A brief discussion followed.

Mayor Rose requested a roll call vote. With all in consensus, THE MOTION CARRIED.

2. Firewall and Certificate of Occupancy Agreement – Resolution 2010- 35 a resolution approving a Firewall and Certificate of Occupancy Agreement with Kitson Holdings, LLC.

City Administrator Lewis presented this information to Council that is included in the packet for the record. Council Member McCormick left the chambers for a few minutes and returned to the dias at 5:50 p.m.

The request is to pass a Resolution approving a Firewall and Certificate of Occupancy Agreement with Kitson Holdings, LLC for the Boathouse Cantina at 228 North F Street.

A portion of the structure was constructed along a shared property line with FIBArk Boat Races at 240 North F Street. The structure was permitted as “outdoor dining” but has become a permanent structure and does not meet current building code requirements for fire separation.

Issuance of a Certificate of Occupancy for the Boathouse Cantina is not possible without resolution of the fire separation issue. The proposed agreement requires that at such time as the owner of the FIBArk property obtains a building permit for a structure on their property within ten (10) feet of the shared property line that the firewall improvements must be constructed. The owner of 228 N. F Street must complete such improvements within sixty (60) days or the Certificate of Occupancy will be revoked for that property.

This request has been reviewed by the City Attorney and they have drafted the agreement.

Mayor Rose opened the public hearing.

Ray Kitson, Boathouse Cantina owner said he would like to clarify that the legal document is already signed by him. In his mind there is only one building permit. The biggest issue is the firewall and heat system. I expanded the kitchen and it put me in a legal battle with the building department. Mr. Kitson believes the system is really flawed. He needs to open a 3rd permit, but cannot open another one up until the first one is completed. There are plenty of communities that have consideration of a grace period.

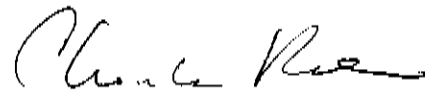
City Administrator Lewis noted that Council Members need to focus on the firewall agreement that is before them this evening.

Mayor Rose asked if there was anyone else wishing to speak. No one else wanted to speak. Mayor Rose closed the hearing and asked for a motion by Council.

A motion was made by Damman to to pass RESOLUTION 2010-35 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AUTHORIZING THE MAYOR TO SIGN A FIREWALL AND CERTIFICATE OF OCCUPANCY AGREEMENT WITH KITSON HOLDINGS, LLC. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

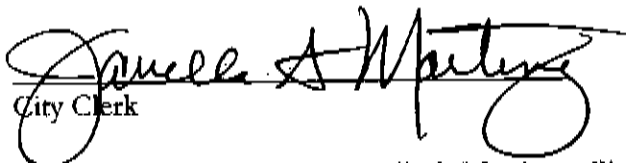
ADJOURNMENT-

A motion was made Moore to adjourn the meeting at 6:10 P.m. The motion was seconded by Yerkey. With all in consensus, THE MOTION CARRIED.



Mayor

[SEAL]



City Clerk

Respectfully submitted by Janella S, Martinez, City Clerk