



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

Salida, Colorado

April 5, 2011

6:00 p.m.

The meeting was called to order at 6:00 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, Tom Yerkey, Jim McCormick, Jay Moore, and Steven Stewart. Also present were City Treasurer Eileen Rogers, City Clerk Betty Schwitzer, City Administrator Jack Lewis, Deputy City Clerk Janella Martinez and City Attorney Karl Hanlon.

Absent was Council Member Scott Damman.

**CITIZEN PARTICIPATION** -

Jeremy Peterson, 744 F Street, said he bought a home at 802 D Street. The home is a single family residence. They started renovations in 2010 that included replacing all of the plumbing, so the water is shut off inside the house. He was upset because he received his water bill and he was charged a total of \$79.95. He passed out a copy of his statement to City Council Members that showed he used 0 units of water. Administrator Lewis explained that the charges are the water maintenance fee, the base rate for water and the base rate for sewer. Lewis noted that the increases for water will be seen on the next quarterly bill.

Mr. Peterson asked if the sewer rate is going up. Lewis said no.

Mayor Rose explained that there is a 5% increase added in January of each year. Regulations around an Enterprise Fund allow a City to charge the cost back to the users. According to the latest water study, Salida charges one of the lowest rates in the state. Growth should pay for itself, but development has stopped. This Council purchased the Vandaveer property mainly for the water rights, but Mr. Vandaveer wouldn't sell the water without the land. Recently Salida has become a second home community. The City is required to provide services and costs are expected to increase to cover equipment repairs and replacement.

Mr. Petersen thanked the Mayor for his explanation and added that he appreciated Council for their time and service.

## PRESENTATION –

### **1. Proclamation –** by Mayor Rose

Declaring April 10<sup>th</sup> - 16<sup>th</sup>, 2011 The Week of the Young Child.

Mayor Rose read the proclamation for the “Week of the Young Child”. He presented the proclamation to the Coordinator of the Chaffee County Early Childhood Council. The CCECC is focused on making sure children get everything they need. The CCECC supports only sustainable programs. The CCECC includes numerous volunteers that put children first., with funding from private foundations, although some funding comes from Federal dollars.

Mayor Rose said that early education in a child’s life will benefit the youth and even more so will benefit the community. He feels that Colorado does not do enough for our children.

## SCHEDULED ITEMS-

### **1. Consent Agenda –**

#### **a. Approval of Agenda**

1. Approval of Minutes: February 1, 2011, March 15, 2011, Special Meeting March 23, 2011

- c. City Property Requests:** 1.) Easter Egg Hunt 2.) Bike Trials  
3.) Arkansas Bluegrass Marathon/Half Marathon  
4.) Salida Circus Parade.

- d. Special Events Liquor Permits:** 1.) Elks Lodge #808

Deputy City Clerk, Janella Martinez, presented written materials that are included in the packet for the record.

#### **c. City Property Requests:**

##### 1.) Easter Egg Hunt –

The Upper Arkansas Service Club is requesting to use Thonhoff Park to host the Annual Easter Egg Hunt on Saturday, April 23, 2011 from 8:30 a.m. to 11:00 a.m. The Fire Department will deliver the Easter Bunny at 9:30 a.m. to start the hunt.

##### 2.) Bike Trials Event –

Chris J. Hertrich is requesting to use Riverside Park on April 16, 2011 from 9 a.m. – 5:00 p.m. to hold a Bike Trials event. This event will include using the rocks on the rivers edge of the Whitewater Park.

3.) The Chaffee County Running Club and the Salida Recreation Department are asking to use Thonhoff Park to hold the First annual Arkansas Bluegrass Marathon/Half Marathon on Saturday, May 29, 2001 from Noon – 6:00 p.m. 4.) Salida Circus Parade on April 15, 2011. The Salida Police Department will provide a police car to escort the members through the route.

#### **d. Special Events Liquor Permits:**

- 1.) Elks Lodge #808 is requesting to hold a Spring Fling Dance on April 30<sup>th</sup>, 2011 from 5:00 p.m. to 1:00 a.m.

Councilor Stewart made a motion to combine and approve the consent agenda. Councilor Moore made a correction to the March 23, 2011 minutes. In the last paragraph of page one the

word “pour” should be spelled “poor”. With that change Moore seconded the motion. With all in consensus, THE MOTION CARRIED.

## **2. State Street right-of-way vacation – 1<sup>st</sup> reading**

Ordinance 2011-07 approving the vacation of certain rights-of-way within the city in the vicinity of property owned by the R-32-J School District.

Dara MacDonald, Community Development Director presented written materials that are included in the packet for the record. The request is to vacate 9,129 square feet of the State Street right-of-way to the R-32-J School District for the construction of the new high school campus.

The Salida School District has requested the City vacate a portion of the State Street right-of-way for use during the development of the new high school and campus. The area to be vacated is not currently used for the traveled way and there are no utilities in the area. The alignment of the right-of-way would correspond to that of State Street adjacent to the north.

A portion of the Scott and Swallow Ditch is located within the area proposed for vacation. The School District has agreed to enter into a maintenance agreement with the ditch owner prior to any improvements being constructed within the area to be vacated. The Planning Commission has recommended this be a condition of approval of the vacation.

The Planning Commission reviewed this application during their regular meeting on March 28, 2011 and recommended approval of the vacation.

Mr. Jim Miller, a resident of Salida, asked again that the City adopt the language to clarify that if the School District ceases use that the r-o-w on State Street revert back to the City.

Ms. MacDonald said that if and when the property was to sell or develop it would have to go through the development process. She doesn't think that adding the suggested language would accomplish anything.

Mayor Rose said if any revisions were requested they could be made on second reading.

A motion was made by Yerkey to approve ORDINANCE 2011-07, AN ORDINANCE OF THE CITY OF SALIDA, COLORADO, APPROVING THE VACATION OF CERTAIN RIGHTS-OF-WAY WITHIN THE CITY IN THE VICINITY OF PROPERTY OWNED BY THE R-32-J SCHOOL DISTRICT, setting the public hearing date as April 19, 2011 and ordering the ordinance published in full. The motion was seconded by Stewart. With all in consensus, THE MOTION CARRIED.

## **3. Recreational Vehicles – 1<sup>st</sup> reading**

Ordinance 2011-06 amending Sections 16-1-80, 16-5-20 and 16-5-40 of the Salida Municipal Code to permit long-term occupancy of recreational vehicles as a conditional use in the City's C-1 and R-4 zone districts.

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

City Council has directed staff to investigate the creation of code language to allow the long term occupancy of Recreational Vehicles (“RVs”) as a conditional use in C-1 and R-4 zone districts.

Under the current code, long term occupancy of RVs is not permitted unless they are located in a Recreational Vehicle Park.

On October 20, 2010, City staff issued several notices of violations to property owners with residents occupying RVs around town. They were cited for the illegal occupancy of a recreational vehicle under the current code. These notices have been suspended pending a further decision by the City Council.

On December 21, 2010 City Council directed staff to draft code language to permit the long term occupancy of 1-3 recreational vehicles on a property in the C-1 and R-4 zone districts subject to conditional use approval. Since the current code language only addresses large scale recreational vehicle parks, staff created new code language for 1-3 recreational vehicles.

On January 24, 2011 the Salida Planning Commission reviewed the proposed language regarding RVs. During this meeting the Planning Commission recommended denial of the proposed land use code changes. Several issues were raised including the expansive nature of the commercial zone district throughout the entire town, inconsistencies with the comprehensive plan, and the lack of orderly development within the City.

At the February 28, 2011 Planning Commission public hearing, the proposed ordinance was approved with several modifications from the original proposal on January 24, 2011. The changes included limiting RVs to only existing mobile home sites, placing a minimum square footage on the size of the vehicle, and to not allow soft sided RVs for long term occupancy.

The following are the revised code amendments as suggested by the Planning Commission during the public hearing. The Planning Commission recommended that the following provisions be added to the code to ensure that adequate information is provided to review each application for long term occupancy of RVs including adding an additional subsection to the Section 16-5-20 Review standards, “(j) Recreational vehicles”, for review standards for conditional use applications.

**PROPOSED CODE LANGAUGE:**

Section 16-1-80, Definitions, Recreational Vehicle

*Recreational vehicle (RV)* means a pickup camper, motor home, travel trailer, tent trailer or similar mobile unit which has wheels, is intended to be transported over streets, roads and highways as a motor vehicle or attached to a motor vehicle, and is designed primarily for use as a temporary unit for human occupancy.

<b>TABLE 16-B</b>					
<b>Schedule of Uses – Residential Zone Districts</b>					
P = Allowed C = Conditional N = Not allowed	R-1	R-2	R-3	R-4	Standards <sup>1</sup>
<b>Residential Uses</b>					
Recreational vehicles	N	N	N	C	Sec. 16-5-20(j)

<b>TABLE 16-D</b>					
<b>Schedule of Uses – Commercial/Industrial Zone Districts</b>					
<b>P = Permitted, C = Conditional, N = Not allowed</b>	<b>RMU</b>	<b>C-2</b>	<b>C-1</b>	<b>I</b>	<b>Standards<sup>1</sup></b>
<b>Commercial and Office Uses</b>					
Recreational vehicles	N	N	C	N	Sec. 16-5-20(j)

**Section 16-5-20. Review standards applicable to residential uses.**

(j) Recreational Vehicles.

(1) Except as may be permitted as a conditional use in accordance with this Chapter, recreational vehicles shall be used for human occupancy only when located within a lawful mobile home park or recreational vehicle park provided, however, that recreational vehicles may be occupied for residential or commercial use for no more than five (5) days on private property within a thirty (30) day period. Occupancy of a recreational vehicle for commercial or residential use in excess of this limit shall be deemed a long-term occupancy of such vehicle and shall only be permitted as a conditional use in designated zone districts in accordance with the standards of such underlying zone district and as specified herein.

(2) Long-term occupancy of recreational vehicles for residential or commercial use shall only be permitted as a conditional use in accordance with Tables 16-B and 16-D, respectively, if the following standards are met.

a. The recreational vehicle proposed for long-term occupancy must be located on a previously established mobile home site.

b. All long-term occupancy recreational vehicles shall have a minimum square footage of one hundred twenty (120) square feet and hard-sided exteriors. No soft-sided exteriors shall be permitted.

c. The minimum setbacks for long-term occupancy recreational vehicles shall meet the standards for a primary structure in the underlying zone district.

d. Each long-term occupancy recreational vehicle shall count towards one unit of a lot's allowed density. Long-term occupancy recreational vehicles shall not exceed the permitted density for any lot.

e. Long-term occupancy recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structure such as attached awnings or carport shall be considered part of the recreational vehicle for purposes of this requirement.

f. Landscaping shall be installed to meet the underlying zone district standards in compliance with Section 16-7-40 of this Chapter.

g. Utility installations and connection taps shall be installed to comply with

all state and local regulations and codes. Electrical installations shall comply with all state and local electrical codes. All utilities, except major power transmission lines, shall be placed underground.

h. Lighting. Adequate lighting shall be provided in compliance with the standards of Section 16-7-60 of this Chapter.

i. Water and wastewater fees and charges shall be paid in compliance with Chapter 13 of this Code.

j. Only one access shall be granted to a site with long-term occupancy recreational vehicles. The access point must be from an alley where alley access is available.

k. Parking. One additional parking space for every recreational vehicle shall be provided in compliance with Section 16-6-40 of this Chapter.

l. Every long-term occupancy recreational vehicle shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located as prescribed by the Fire Marshal, with reference to the City's standards and fire codes.

By adding this language, the City would establish that owners of recreational vehicles will still have to make an application to the Salida Planning Commission for a conditional use. The Planning Commission will review the use for compliance with existing site and safety regulations. The same applies for the following types of applications:

- Multiple Principal Buildings
- Mobile Home Park
- Recreational Vehicle Park
- Day Care, Large & Adult
- Home Business
- Group Home

**REVIEW STANDARDS FOR TEXT AMENDMENTS** (Section 16-13-50) – An application for an amendment to the text of the Land Use Code shall comply with the following standards:

- (1) Consistency with Purposes. The proposed amendment shall be consistent with the purposes of the Land Use Code.
  - The five general purposes of the Land Use Code are to establish development standards, protect quality of life, establish review process, provide for orderly development of the City and conserve property values. The proposed amendment creates standards for approval of long term occupancy of recreational vehicles.
- (2) No Conflict with Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this Chapter, or shall repeal or amend provisions of this Chapter which are inconsistent, unreasonable or out-of-date.
  - The proposed ordinance changes do not appear to conflict with other provisions of the code.

- (3) Consistency with Comprehensive Plan. The proposed amendment shall be consistent with the Comprehensive Plan, shall implement a new portion of the Comprehensive Plan or shall implement portions of the Comprehensive Plan which have proven difficult to achieve under the existing provisions of the Land Use Code.
  - The intention of residential zone districts is to provide housing options for the residents of the City of Salida. Recreational vehicles provide another housing option for properties zoned R-4 and C-1.
- (4) Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.
  - This amendment protects public health, safety, general welfare and the environment because it helps provide review standards for the location and use of recreational vehicles.

### **AGENCY COMMENTS**

There are no agency comments at this time.

### **PUBLIC COMMENTS**

No written comments have been received.

### **STAFF RECOMMENDATION**

#### Recommended Findings

- 1) That allowing recreation vehicles as a conditional use would not be detrimental to the health, safety and welfare of existing or new neighborhoods in the City.
- 2) That allowing recreational vehicles as a conditional use would encourage the creation of additional housing options which are needed in the community.
- 3) That the proposed ordinance satisfies the review standards for text amendments because it is consistent with the purpose of the land use code, does not conflict with other provisions of the code and is consistent with the comprehensive plan as explained in this staff report.

Based on the above findings, staff recommends that the City Council approve, or approve with conditions for this ordinance amending Sections 16-1-80, 16-5-20 and 16-5-40 of the Salida Municipal Code to permit the long-term occupancy of recreational vehicles as a conditional use in the City's C-1 and R-4 zone districts.

Councilor Moore asked for the definition of conditional. Ms. MacDonald explained that the applicant must follow all of the requirements in the code. The use could be conditioned. Notice would be sent to the neighbors within 125 feet of the property and the applicants property will be posted and the paper will publish a notice of public hearing.

Biglow, Robert G., 148 East 3<sup>rd</sup> Street, which is an R1 zone district said he just bought a nice boat. Does it qualify under the City's definition of a recreational vehicle? He said he can live in it and hook it up to water and sewer.

Dara MacDonald said it does not qualify under the definition in the presented ordinance. Mr. Biglow contends that it is an RV.

Councilor Baker made a motion to approve ORDINANCE 2011-06, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AMENDING SECTIONS 16-1-80, 16-5-20 AND 16-5-40 OF THE SALIDA MUNICIPAL CODE TO

PERMIT THE LONG-TERM OCCUPANCY OF RECREATIONAL VEHICLES AS A CONDITIONAL USE IN THE CITY'S C-1 AND R-4 ZONE DISTRICTS, setting a public hearing date of April 19, 2011 and ordering the ordinance to be published in full. Yerkey seconded the motion. A brief discussion followed.

Mayor Rose requested a roll call vote.

With all in consensus, THE MOTION CARRIED.

#### **4. Trail easement with Checker Auto –**

Resolution 2011-18 approving an easement for the Milk Run Trail with Amicorp Enterprises, Inc.

Dara MacDonald, Community Development Director presented written materials that are included in the packet for the record. The City has been in negotiations with Amicorp Enterprises (“Checker Auto”), for some time to secure an easement for the Milk Run Trail along the eastern and southern edges of the property. The easement has been approved by Checker Auto and the City must also sign the easement.

The Milk Run Trail will connect the Monarch Spur Trail to the Starbuck Dairy subdivision, Wal Mart, Checker Auto and the signalized intersection of Hwy 50 and CR 111. The City has secured an easement from Wal Mart and the balance of the property for the trail was dedicated as part of the Starbuck Dairy PUD. Checker Auto agreed to the easement many months ago but executing the agreement has taken quite a while.

In October, 2008 the City applied for funding assistance to construct the Monarch Spur Trail. Although the grant was awarded by the State of Colorado in July 2009, the grant agreement was not received until October 2010. This delay was due in large part to the award of federal funds for the project. Because funding is being supplied through Land and Water Conservation Funds, the grant had to be reviewed and approved by the National Park Service and wait for those funds to be approved prior to entering into the contract with the State of Colorado. The signed contract was returned to the State in December, 2010. Communication from State Parks indicates that execution of the contract has been delayed due to the transition to the new Hickenlooper administration. On March 30<sup>th</sup> we were informed that the contract would be signed soon.

Councilor Moore made a motion to approve RESOLUTION 2010-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING AN EASEMENT FOR THE MILK RUN TRAIL WITH AMICORP ENTERPRISES, LLC. Stewart seconded the motion. With all in consensus, THE MOTION CARRIED.

#### **5. Citizen appointment to the Historic Preservation Commission –**

Resolution 2011-19 approving a citizen appointment to the Historic Preservation Commission

Dara MacDonald, Community Development Director presented written materials that are include in the packet for the record. The request is to appoint a citizen to the Historic Preservation Commission (HPC).

There are currently three open positions on the Historic Preservation Commission. The City has received two applications for these positions from Steve Harris and Rose Matthews. Their applications are included in the packet.



If council wishes, it may appoint Steve Harris and Rose Mathews as members of the Historic Preservation Commission to a term specified in the resolution. Convenience

Councilor Stewart made a motion to approve RESOLUTION 2011-19 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO APPROVING A CITIZEN APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION. Moore seconded the motion. With all in consensus, THE MOTION CARRIED.

Councilor McCormick likes the interview process now in place. It is nice meeting the citizens who want to volunteer for positions on City boards.

#### **6. Mutual Aid Agreement with Leadville –**

Resolution 2011-20 approving a Mutual Aid agreement with the City of Leadville.

Don Taylor, Fire Chief, presented written materials that are included in the packet for the record. Jurisdictions across the United States utilize mutual aid assistance in the event of a large scale incident or disaster. After the regional emergency management exercise held in June of 2010, one of the areas of concern was the development of formal mutual aid agreements with agencies outside of Chaffee County. The agencies would typically not be affected by a local disaster and could provide assistance when Chaffee County agencies would likely be affected by the incident and unable to assist. The mutual aid agreement is the same template utilized for agreements with agencies within Chaffee County and western Fremont County. Staff is requesting the Council to approve the resolution and authorize the Mayor to execute the agreement on behalf of the city.

Gunnison is the only neighboring fire district or municipality the City doesn't have an agreement with.

Councilor Baker made a motion to approve RESOLUTION 2011-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING A MUTUAL AID AGREEMENT BETWEEN THE CITY AND THE CITY OF LEADVILLE. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

#### **7. LiveWell Colorado MOU for a Community Garden – (Theresa Casey)**

Resolution 2011-17 approving a memorandum of understanding by and between the City of Salida, Livewell Chaffee County and Chaffee County government for a Community Garden at Picketts Park.

Theresa Casey, Recreation Manager presented written materials that are included in the packet for the record. LiveWell Chaffee County (LWCC) is a healthy eating and active living (HEAL) organization whose goal is to reduce the overweight and obesity rates of Chaffee County residents. In order to accomplish this, one of LWCC's primary goals in 2011 is to establish additional facilities for community food production and education opportunities. LiveWell Colorado has provided funding to build two food production facilities including a community garden in Salida. Included in your packet is a redlined MOU, the final version is expected to be available during the Tuesday morning meeting, and if there are no major changes will be presented during the Council meeting. This document is a memorandum of understanding between the City of Salida and LiveWell Chaffee County concerning a community garden installation in Pickett Park, proximal to the corner of 2nd Street and Wood Avenue in Salida, Colorado.

City Attorney Karl Hanlon received comments back on the agreement late last night. The termination clause is the one that slightly concerns him. The only issue from his perspective

is if termination will be mutual or at will by city or be terminable at a year. LiveWell is looking for a three year commitment. He requested direction tonight or noted that Council could continue this item to another meeting if they choose to do so.

Mayor Rose noted that several people were present to speak about this project.

Lisa Malde, LiveWell Chaffee County Director, came up with the idea of a Community Garden Project that would be maintained by the Boys and Girls Club. She attended a meeting with the Recreation Advisory Board to get direction for a location on City property. Pickett's Park seemed like a good fit. Flyers were handed out to over 300 homes in the area informing them about the proposed garden. The minimum size needed for a successful garden is about 350 square feet. It would be great if it could be 15 foot wide or approximately 400 square foot.

Larry Cicerelli, 532 E. 3<sup>rd</sup> Street, said the local LiveWell Chaffee County group handed about 35 brochures. He passed out a Colorado obesity statistics paper to Council. He said it shows that over 2/3 of Colorado's youth fall into the obese category. He feels that this is because most children stay indoors and play on the computer. Children in our state are watching TV instead of being involved in outdoor activities such as bike riding, swimming or playing golf. Mr. Cicerelli thinks showing children vegetables in a store is adequate. The main issue is that a park is for kids to play at or for people to have a picnic at. If LiveWell Colorado wishes to use a park, Alpine is closer than Pickett's Park and should be more convenient to access for the Boys and Girls Club. He feels that obesity starts in the home and LiveWell Colorado should use the \$5,000 on something else.

Alica Pappenfort was very excited when the young lady came by her residence to tell her about the project in the park. When she was a child she visited farms. Most children today think that produce comes from the grocery store. The food doesn't appear in the store the same as it does where it grows naturally. She thinks a garden is very beautiful.

Biglow, Robert G., 550 E 3<sup>rd</sup> Street, owns a home right across the street from the park. He feels the park is a jewel to our town. He said his father taught him how to play football and baseball in the evening in that very park. He gave credit for Lynn Giles, a Public Works employee, who put her heart and soul into making that park the gem that it is today. He thinks a garden does not belong there. He said they will put up a rag tag fence in the park and feels the kids balls will go into the fenced area and do damage to a garden space. Mr. Biglow suggested that the City build the garden space in the middle of a round-a-bout in the intersection at the current Boys & Girls Club location. It could be lined with flowers surrounding a good sized community garden. Council has the opportunity to create another jewel in our town.

Brett Haydin, Executive Director of Boys and Girls Club, sees over 400 local youth on an annual basis. BGC is an intervention program. A lot of the kids that come there don't have the opportunity to see local food production. We hope to make a difference by helping kids make healthy choices. The problem seems to be a location. The BGC is currently located at the Catholic Church, and that location is not willing to allow the club any space to do a garden. The club had a one time opportunity to do a garden at a residence, which was great, but that time is up. Mr. Hayden thinks there would be 50 kids involved in the program.

Merilou Cicerelli, 532 East 3<sup>rd</sup> Street, hopes most of Council received phone calls from the affected neighbors. Looking through past City Council minutes she said the Recreation Board recommended the Club look into space at the Touber Building and at the Scout Hut. Why was this location not approved? Councilor Baker said he sits on that committee and the board thought for aesthetics it would disturb the building. Ms. Cicerelli asked if they are requesting anything different. She

questioned if what they are asking is for private use of public property on a long term basis and wants to know if that is actually something that can be done.

Mr. and Mrs. Jim Ashley, 343 Park Avenue, agree that this is not a good location for a community garden.

Laura Haydin, a Boys and Girls Club member thinks it is a good idea that would promote healthy habits getting people active and involved in garden group. She feels a lot of kids will have fun in the process.

Lisa Malde feels that this is really a project that will benefit a community organization. If Council agrees that this isn't the proper location please allow us to continue to look

Jim Miller completely supports the Boys and Girls Club, but hears the concern of the neighborhood. Are there are any City owned lots or alley spaces where the garden could be located? Maybe someone else out there knows of a solution to locating a small garden plot.

Stewart made a motion to pass RESOLUTION 2011-17 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SALIDA, LIVEWELL CHAFFEE COUNTY AND CHAFFEE COUNTY GOVERNMENT FOR A COMMUNITY GARDEN AT PICKETTS PARK. The motion was seconded by Moore. A discussion by Council followed.

Council Members are in agreement that they are all fans of Boys and Girls Club of America and the projects for kids. Most Council Members feel that parks are put in for recreation purposes and are concerned with the outcry from the citizens that will be directly affected. Councilor Stewart has had positive feedback for the garden being located at Pickett's Park. He would be happy to have it there.

Mayor Rose requested a roll call vote.

Voting Yea was Stewart. Those voting Nay were Baker, McCormick, Moore, an Yerkey. The motion was defeated.

#### **8. Vandaveer Property Lease – (Jack Lewis)**

Resolution 2011-21 approving a lease for a portion of Vandaveer Ranch with Joseph Martellaro

Jack Lewis, City Administrator, presented written materials that are included in the packet for the record. This is a lease the City entered into for the last few years to mow down the weeds on the back half of the Vandaveer property. Mr. Martellaro lets his cattle graze on the land and pays the City \$12.50 per head or approximately \$250 per month for the months of May to December. If Council approves this Resolution, it will allow the City Administrator to sign the lease. A brief discussion followed.

Councilor Moore made a motion to approve RESOLUTION 2011-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO APPROVING A LEASE FOR A PORTION OF VANDAVEER RANCH WITH JOSEPH MARTELLARO. The motion was seconded by Stewart. With all in consensus, THE MOTION CARRIED.

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

a. Administrator's Report –

Administrator Lewis had nothing to report.

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

City Attorney, Karl Hanlon, had nothing to report.

c. Deputy City Clerk -

Deputy Clerk, Janella Martinez, had nothing to report.

12. Elected Official Reports -

a. Treasurer-

City Treasurer Eileen Rogers, had nothing to report

b. Mayor –

Mayor Rose said Governor Hickenlooper is seeking citizen input regarding economic development. Of 17,000 citizens of Chaffee County only 67 have responded as of Friday. Mayor Rose would hate to see the citizens from the Front Range determine what we have to live with. You can fill out the survey online by going to Advance Colorado and find the button for Bottom Up. The paper survey is available locally at the Senior Citizens Center, the Library and at the Area Agency on Aging. In Buena Vista almost every governmental agency has the paper survey available. He encouraged all citizens of Chaffee County to fill it out.

Mayor Rose announced that the City of Salida was again honored by being designated Tree City USA. He congratulated the Salida Tree Board and everyone who takes care of their trees in our community.

c. City Council-

Councilor Stewart requested that staff get in touch with LiveWell and find an alternative location for a Community Garden. Councilor Moore agreed.

Councilor Yerkey received a document in the mail called a Periodic Report Director Shareholders Colorado Corporation Control that says you must reply by April 15 and fill out an annual report for \$250 a year. It implies you are sending it to the State. It is fraudulent and informed anyone receiving it to not fill it out.

Mayor Rose encouraged anyone who received it to report it to the local authority.

**EXECUTIVE SESSION –**

Councilor Stewart made a motion to go 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: For legal advice regarding the Unique

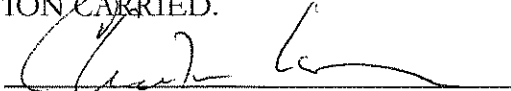
Theater. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

Mayor Rose noted the time as 7:55 p.m.

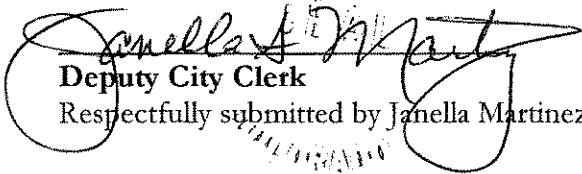
Those present during the Executive Session were Mayor Chuck Rose and Council Members Keith Baker, Tom Yerkey, Jim McCormick, Jay Moore, and Steven Stewart. Also present were City Administrator Jack Lewis and City Attorney Karl Hanlon.

Absent was Council Member Scott Damman.

A motion was made by Moore to adjourn the meeting at 8:45 p.m. The motion was seconded by Stewart. With all in consensus, THE MOTION CARRIED.

  
\_\_\_\_\_  
Mayor

CITY OF SHELBY  
[SEAL]

  
\_\_\_\_\_  
Deputy City Clerk  
Respectfully submitted by Janella Martinez, Deputy City Clerk