



MEETING MINUTES OF THE CITY COUNCIL
City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, July 15, 2014 6:00 p.m.

I. JOINT MEETING WITH PLANNING COMMISSION – 6:00 P.M.

1. Conceptual Review of Major Impact Review for Crestone Mesa Development (Dan Osborn)

Present from the Planning Commission were P.T. Wood, Lisa Malde, Aaron Mandelkorn and Paula Berg.

Osborn referenced a memo provided in the city council packet for the record.

II. REGULAR MEETING CALLED TO ORDER

III. PLEDGE OF ALLEGIANCE – Led by Mayor Jim Dickson

IV. ROLL CALL

Present at roll were Mayor Jim Dickson, Council members Keith Baker, Tom Yerkey, Eileen Rogers, Mike Bowers, Melodee Hallett and Hal Brown. Also present were City Clerk Betty Schwitzer, City Administrator Dara MacDonald, City Attorney Karl Hanlon and Deputy City Clerk Audrey Gilpin.

Absent was Cheryl Brown-Kovacic.

V. CITIZEN PARTICIPATION – 3 minute time limit. *Citizen participation is for items not on the agenda or for items that are not public hearings.*

David Larcom of Salida said we should make it impossible for tourists to drive through Salida. He said he has painted two murals in Salida for no cost. He would like approval from City Council for a mural.

MacDonald said there is a process for murals. She said that Larcom has gone through this process already for another mural he painted.

Vern Davis of Salida said the sound system in the council chambers is worthless. He said the NRCDC Board chastised a board member, and the board voted to censor another board member at the NRCDC Board meeting.

Nancy Dominick of Chaffee County said that the NRCDC meeting was a disaster of he said she said. She said that she took great offense to remarks made by Mr. Miller.

VI. PRESENTATION

1. Deer Survey Results – Emily Katsimpalis, Special Projects Coordinator

Katsimpalis presented deer survey results and a presentation provided in the city council packet for the record.

Jim Aragon of Colorado Parks and Wildlife answered questions regarding questions posed in open responses in the deer survey.

VII. NEW BUSINESS

Yerkey made a motion for a resolution to be added to the next regular meeting to address the city administrator contract, compensation and term. Baker seconded the motion.

Brown said that he has made a special request for independent legal counsel because of potential employee claims. He said to properly address the city contract that the Council must address any potential claims. Bowers agreed.

Baker said the City has CIRSA and the City Attorney, and he does not think there needs to be independent counsel.

Hallett said Brown is not the only one who wants independent counsel.

Yerkey said as far as he is concerned, there is not a reason.

Discussion continued.

Yerkey said there has been no threat by any employee against the City or any one particular individual on this Council at this time.

Brown said Council received a letter from the city attorney regarding potential legal claims naming two employees.

MacDonald referenced learning that Brown had gone to the District Attorney Office to investigate whether he could pursue criminal charges violating her contract. She said she has no intention of pursuing any charges or legal claims against the City.

Discussion continued.

Gilpin called a roll call vote. Baker, Yerkey and Rogers voted for the motion. Brown, Bowers and Hallett voted against the motion. With the Mayor voting for the motion, THE MOTION CARRIED.

Brown motioned to schedule an executive session for August 2, 2014 in regards to a need for special legal counsel and in response to a letter sent to Council by the city attorney regarding potential legal claims. Bowers seconded the motion.

Yerkey said he is not interested in spending time and money on another attorney for the City. He said he is not interested in harassing the City Administrator or City Attorney. He said to consider bringing criminal charges against an employee is disgusting.

Brown said a state statute was brought to his attention regarding “official misconduct” as the title. He said he looked at it, and he thinks there is an association. He said he wanted some authoritative opinion. He said he called the deputy district attorney. He referenced a business owner who was turned into the Colorado Department of Revenue regarding a potential law broken, and he said he felt it was his duty to look into whether or not a law had been broken.

Yerkey said Council discussed this issue in a public forum and with MacDonald during her review, and it is time to move forward.

Brown said that it was never his intention to threaten or for anyone to know.

Discussion continued.

Gilpin conducted a roll call vote. Hallett, Brown and Bowers voted for the motion. Baker, Yerkey and Rogers voted against the motion. With the Mayor voting against the motion, THE MOTION FAILED.

Hallett said she would like to bring up old business regarding the NRCCDC.

VIII. SCHEDULED ITEMS

1. Consent Agenda (Audrey Gilpin)

- Approval of Agenda
- Approval of Minutes: July 1, 2014
- Property and Special Event Liquor Permit Requests : (1) Salida Community Center Special Event Liquor License July 17 (2) Salida Recreational Zombie Run August 1 (3) Salida Classic July 18-20 (4) Salida Fiber Festival September 6-7
- Y&K Final Settlement for Sidewalks

Yerkey motioned to approve the consent agenda. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

2. Expanding Number of Retail Marijuana Licenses 2nd Reading and Public Hearing

Ordinance 2014-19 revising the number of licenses for retail marijuana stores and/or cultivation facilities.

Hanlon referenced options the Council has.

Yerkey asked if the City does nothing, then the number of licenses stays at two. He asked if the City increased the number of licenses to six, the City is legally solid. Hanlon said either one of those options are defensible.

Hallett said that Council needs to read the ordinance during the council meetings. She said if there was an administrator that would have brought this to the council's attention, there wouldn't be an issue.

Dickson opened the public hearing.

Lee Hart of Salida said she would like to urge council to say no to this ordinance. She referenced statistics regarding retail marijuana. She spoke against the free market in this case and referenced unknowns. She said each community is different, and there are different capacities of enforcement for each community.

Keith Concho of Salida said he is speaking against any grow operations within the City limits as they are agricultural. He referenced the current ordinance.

Toni Fox of Salida said she is the owner of 3D Cannabis Center. She said she is scheduled to open her new business October 1st. She said allowing two businesses is progressive yet cautious. She said the argument of free market is valid with a tested market and business, which retail marijuana is not.

Bryce Turnbull of Salida spoke against allowing more retail marijuana licenses.

Chris Burke of Crawford, Colorado said there are 42 liquor licenses within the city limits. He referenced tourists adding to the population of those that will be allowed to buy retail marijuana. He said let the free market strategy prevail and not prohibition. He said he would like to have the opportunity to fail.

Joney Malone of Salida said she is confused as to why the two medical marijuana businesses are not automatically converting to retail. She said Tenderfoot Health Collective has a caring, compassionate staff. She said the City has two tried and true businesses that are already here.

Monika Griesenbeck of Salida said that on first reading they passed this ordinance and consensus was to let the free market prevail and that the two existing marijuana businesses deserve the opportunity. She said her preference of drugs is alcohol. She asked Council to address the ordinance that gives the city administrator authority to issue the license.

Dustin Adams of Renew Your Ride (co-owner) said it took months to find commercial space to conduct business here, and he referenced a potential retail marijuana business going into his current location. He said he does not think an increased number of licenses will generate more revenue.

Monika Haskell of Salida referenced two surveys and the negative impact on youth.

Jan Sebastian of Salida said this whole issue has been brought because of mismanagement by the administrator. He said that administration should have had a moral obligation to accommodate the two existing businesses.

Joe Judd of Salida said he believes in the free market.

Martin Wood of Salida said Council knows how he feels. He said the free market argument is a joke when you are limiting to anything.

Jim Miller of Salida said six is more competitive than two and that's okay. He said he thinks there are no appropriate places to have a grow operation.

Art Stone said he has a business in Smelertown and is co-owner of Eco Med. He referenced the County not expanding number of grow operations. He said it would be unfair to hinder the two businesses that are already in place. He referenced the intent of the original ordinance.

Dickson closed the public hearing.

Hanlon said when the ordinance passed, he said the two existing medical marijuana licensees could have applied and could be open. He said that was the assumption. He said it is not recommended to give special privileges to a particular class of businesses.

Hallett said there must have been some sort of confusion. She asked the current medical marijuana owners to speak.

Betty Woods, co-owner of Nature's Medicine, said she thought they had the first calendar year to apply for their license. She said that Bowers had the impression they had until July 1st to apply.

Martin Woods said he provided evidence to Council regarding what was said at the Council meeting, and that they had the first calendar year to apply for their license.

Yerkey asked if there is a problem amending the ordinance to prohibit the grow operations.

Baker said he would like to continue this item. He said he would like to see the recording of the meetings referred to and to look at the ordinance again. He said he would like to give it more time.

Baker motioned to continue to next meeting, review taking grow out of the ordinance and to look at the recordings of the August 20, 2013 and September 3, 2013 meetings. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

- 3. Harriet Alexander Field Ground Lease 2nd Reading and Public Hearing** (Dara MacDonald)
Ordinance 2014-20 approving a ground lease with James Scott Middleton.
MacDonald referenced a memo provided in the city council meeting for the record.

Dickson opened the public hearing.

No one spoke.

Dickson closed the public hearing.

Rogers motioned to approve a ground lease with James Scott Middleton and ordering the ordinance to be published by title only. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

- 4. Loyal Duke Dog Park Lease** (Dara MacDonald)
Resolution 2014-49 approving the second amendment to real property lease between the R-32-J Salida School District, as lessor, and the City of Salida, as lessee, for the Loyal Duke Dog Park.
MacDonald referenced a memo for both the dog park lease and maintenance agreement.

Yerkey motioned to approve Resolution 2014-49, a resolution of the City Council of the City of Salida, Colorado, approving the second amendment to the real property lease between the R-32-J Salida School District, as Lessor, and the City of Salida, as Lessee, for Loyal Duke's Dog Park. Brown seconded the motion. With all in consensus, THE MOTION CARRIED.

- 5. Loyal Duke Dog Park Maintenance Agreement** (Dara MacDonald)
Resolution 2014-50 approving the second amendment to operations and maintenance service level agreement with the Salida Dog Club.

Yerkey motioned to approve Resolution 2014-50, a resolution of the City Council of the City of Salida, Colorado, approving the second amendment to the Operations and Maintenance Service Level Agreement with the Salida Dog Club. Rogers seconded the motion. In a 5-1 vote, THE MOTION CARRIED. Bowers had the dissenting vote.

- 6. Highway 50 Improvement Project Phase 4 Grant Application** (Dan Osborn)
Resolution 2014-51 supporting Salida's application for CDOT Transportation Alternatives Program Grant funding.
Osborn referenced a memo provided in the city council packet for the record.

Baker motioned to approve Resolution 2014-51, a resolution of the City Council for the City of Salida, Colorado, supporting Salida's application for CDOT Enhancement Grant funding. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

- 7. Sidewalk Replacement Project** (Bob Salmi)
Resolution 2014-52 approving an award of a construction agreement for the sidewalk replacement project and authorizing the city administrator to enter into a construction services agreement between the City and Diesslin Structures, Inc.

Salmi referenced a memo provided in the city council packet for the record.

Yerkey motioned to approve entering into a contract with Diesslin Structures for \$108,330.88 which includes the entire linear footage for the project. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

8. Solar Power Purchase Agreement 1st Reading (Dara MacDonald)

Ordinance 2014-21 approving a solar power purchase agreement with SHDP MUSA IV, LLC. MacDonald referenced a memo provided in the city council packet for the record. Hallett asked who will be installing the solar panels. Dan Ferguson said Tim Klco.

Rogers motioned to approve Ordinance 2014-21, an ordinance of the City Council of the City of Salida, Colorado, approving a solar power purchase agreement with SHDP MUSA IV, LLC, setting the public hearing for August 5, 2014 and ordering the ordinance to be published in full. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

9. Salida School District Water Tap Exchange (Dara MacDonald)

Resolution 2014-53 approving the transfer of a water tap. MacDonald referenced a memo provided in the city council packet for the record. Donna Rhoads, president of SPOT, spoke regarding the project.

Yerkey motioned to approve Resolution 2014-53, a resolution of the City Council of the City of Salida, Colorado, approving the transfer of a water tap. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

10. Releasing Grand Avenue Assessment for River West Subdivision (Jan Schmidt)

Resolution 2014-54 approving a release of an assessment for the 2005 Grand Avenue Water and Sewer Project. MacDonald referenced a memo provided in the city council packet for the record.

Brown motioned to approve Resolution 2014-54, a resolution of the City Council of the City of Salida, Colorado, acting by and through its water and sewer enterprise to release an assessment of the 2005 Grand Avenue Water and Sewer Project. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

11. Adopting the Chaffee County Emergency Operations Plan (Doug Bess)

Resolution 2014-55 approving the adoption of the Chaffee County Local Emergency Operations Plan. Bess referenced a memo provided in the city council packet for the record.

Bowers motioned to approve Resolution 2014-55, a resolution of the City Council of the City of Salida, Colorado, approving the adoption of the Chaffee County Local Emergency Operations Plan. Brown seconded the motion. With all in consensus, THE MOTION CARRIED.

12. Administrator/City Attorney/Deputy City Clerk

a. City Administrator Report – Dara MacDonald
MacDonald said collections of sales tax for the month of May totaled nearly \$376,000, an increase of \$31,000 or 8.9%, from May 2013.

- b. City Attorney Report – Karp, Neu, Hanlon, PC
- c. Deputy City Clerk Report – Audrey Gilpin

Gilpin updated Council regarding the citizens' forum.
Gilpin thanked the public, Council and city staff for the pleasure of serving as Deputy City Clerk for the last two and a half years.

13. Elected Official Reports

- City Treasurer – Cheryl Brown-Kovacic
- City Clerk – Betty Schwitzer
- Mayor – Jim Dickson
- City Council- Keith Baker, Michael Bowers, Melodee Hallett, Eileen Rogers, Hal Brown and Tom Yerkey.

Dickson thanked Tafoya for his cartoon.

Bowers said he has concerns about security at the Forest Service building.

Rogers said the Art Festival was great.

Hallett referenced bidding differential and what other communities do.

She referenced the elected city clerk position.

Yerkey motioned at 9:50 p.m. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.



Mayor

Heather Wright
Submitted by Assistant Deputy City Clerk, Heather Wright



