



MEETING MINUTES OF THE CITY COUNCIL
City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, November 4, 2014 6:00 p.m.

I. REGULAR MEETING CALLED TO ORDER

II. PLEDGE OF ALLEGIANCE – Led by Mayor Jim Dickson

III. 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 Treasurer Cheryl Brown-Kovacic, City Clerk Betty Schwitzer, City Administrator Dara MacDonald, City Attorney Karl Hanlon and Deputy City Clerk Christian Samora.

IV. 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.*

Jim Miller of Salida asked Councilmember Hallett if she had attended a Planning Commission when the Crestone Mesa was discussed. Hallett stated that she had. Hanlon clarified that Hallett had attended a hearing that was not noticed correctly and another hearing was held at a later date. Hallett stated that she has been in contact with different attorneys and she could recuse herself. Miller stated that his concern was that either side has grounds for a lawsuit if she is considered to be biased.

Monika Griesenbeck of Salida stated when she downloaded the City Council packet; the message said google drive cannot scan this file for viruses. She stated that she went ahead and took the chance to download. Griesenbeck respectfully requested that the budget hearing and the 2014 budget amendment be rescheduled.

Katy Grether of Salida, President of Historic Salida followed up to the murals discussion and read a letter that was previously submitted to the City Council.

Bruce Feldman of Salida asked if the Madison House would be discussed. The Mayor stated that it is on the Administrator's Report. MacDonald stated that public comment could be heard on the subject. Feldman suggested caution when making any kind of agreement with Madison House. He stated that he would like to see an annual event like in Pagosa Springs. Feldman would like to see the city at least call the other cities that have hosted the event for their feedback. .

Billie Carlisle of Salida wanted to commend the Council for the patience and perseverance. He would like to encourage the council to engage with gathering information and public opinion from the citizens. Carlisle wanted to point out that there were over 400 people that signed the 2A petition. He encouraged the Council to open up and see different views.

David Larcom of Salida stated that he approached Varnum about a mural at the Bowling Alley and was told to use the signage application. He disagreed with the fact that merchants could not sign the application and provided the Council with affidavits of support by businesses and residents near the bowling alley. Larcom

also spoke of the requirements for businesses to have public art and felt there were too many requirements.

Dan Thomas of Salida stated that all the speakers should be timed.

V. PRESENTATION

1. Public Art Task Force

William Bodey of Salida presented information that had been prepared by the Public Art Task Force. MacDonald suggested that the Council could take time to consider the recommendations made by the Public Art Task Force and discuss it further at a work session. Rodgers agreed that there should be more discussion and she would like to see it scheduled for a work session.

VI. NEW BUSINESS

Baker asked to have a future discussion for a resolution about the possibility to allow the Mayor to vote on every issue. He explained that there was a frustration of the former two mayors because they could talk, but they couldn't be a part of the decision. Rodgers asked if it was in State Statute to make it a possibility. Yerkey stated that he would be in favor of it for one term but would not be in favor of it for a longer period of time. Hanlon stated that he would provide a copy of the Statute to the Council.

VII. SCHEDULED ITEMS

1. Consent Agenda (Christian Samora)

- Approval of Agenda
- Approval of Minutes: October 21, 2014
- Tree Board 2015 Work Plan

Yerkey motioned to combine and approve the items on the Consent Agenda. Rodgers seconded the motion. In a voice vote, Bowers and Hallett were opposed. The Motion Carried

2. Crestone Mesa Subdivision – Public Hearing (Dan Osborn)

Resolution 2014-79 approving the Crestone Mesa Subdivision.

Baker explained that he had recused himself on the Crestone Mesa discussions previously because he is the builder for a home in the River West Subdivision. He stated that he has no financial investment in either Cottonwood Green or River West.

Hanlon asked Baker if the lot he is building on in River West is owned by the applicant, or if it is owned by another individual.

Baker stated that it is owned by another individual.

Hanlon asked if Baker has had prior discussions with the applicant of the subdivision.

Baker stated that he has not had prior discussions with the applicant.

Brown stated that for complete disclosure he wanted to mention that he owns property in Mesa Village, which is near the proposed subdivision.

Hanlon asked Brown if he had received a notice in the mail for the proposed subdivision, which would indicate that he is within the 175 ft. area around the new subdivision.

Brown stated that he had not.

Hallett stated that she has no problem recusing herself. Hanlon stated that it would be easiest for the Councilmembers who do not have a conflict to assess whether those who potentially have a conflict actually do.

Bowers stated that he recused himself for the FPPA discussion even though he would have no financial gain from it. He continued to say that it's better to recuse yourself than to have a question later.

Hallett recused herself from the discussion.

Dan introduced the Crestone Mesa Development.

Bowers asked whether or not it was correct that the alleys are subtracted from the lot length. Osborn stated

that the alleys are easements on the lots and are not subtracted from the lot. Bowers asked if the lots were reduced in size to accommodate the number of units in the subdivision. Osborn stated that many of the lots are larger than the minimum 37 foot lot size. Bowers asked why the lots are 37 feet wide instead of being 25 feet wide like in other parts of town. Osborn stated that the applicant chose to use wider lots after hearing feedback from neighboring areas about lot size. Eileen understood that the applicant intentionally designed it so that homes would not be the same size. Osborn stated that the code does not allow for monotony so that there is variation in elevation.

Tom McCornly of Salida, the applicant, gave an overview of the materials included in the City Council Packet. Baker asked if there would be covenants, McCornly stated that there will be HOA so that there is control over what is built, etc.

Mayor Jim Dickson opened the Public Hearing.

Gil Smith of Salida, representing Crestone Mesa LLC, referenced a letter that was received Friday stating that the easements should not be included from the lots. He stated that according the Land Use code, by definition the lots would in fact be large enough.

Randal Herrick-Stare of Salida, who represents several owners in the Cottonwood Green, stated that he was the author of the October 30th letter which stated that the proposed subdivision is a violation of the Salida Land Use Code. He explained the various elements within his letter and stated that the lots would not be large enough. He stated that there are five arguments, the land use code defines lots, the land use code defines a yard, the land use code defines an alley, alleys are not for residential use and in the declarations the alleys are called common areas. He stated the application should be denied and the Planning Commission should be instructed to reconsider after the alleys are no longer considered a part of the lots.

Charles Heard at 415 Cottonwood Circle stated the application should be denied for two reasons. First, the proposed development does not mirror nearby neighborhoods as required by the comprehensive plan. Second, many of the Crestone Mesa lots do not have the square footage required by the Salida Land Use Code.

Joe Jud of Salida, a builder of residential homes, has built many homes marketed to first time buyers. He stated that a lot of clients have been interested in living within the city, but have a hard time finding lots to build on. He continued to say that in the last several years Salida has struggled to provide housing at an affordable price and higher density could possibly be a reasonable solution. Jud stated that he whole heartedly supported the projected.

Anita Luster in the Cottonwood Green Subdivision. Shared a number of slides and stated that the density is much higher in Crestone Mesa than it is in Cottonwood Green. Luster stated there should have been renderings and per the Chaffee County building code, alleys should not be used to meet minimum lot requirements.

Karen Lloyd of Salida stated that she had started the petition for the Crestone Mesa Subdivision. Lloyd stated there is a big difference between the Mesa and the grid pattern within the City. She did not believe that this would be affordable housing because affordable housing is \$175,000-\$225,000.

Asek Geiger of Salida stated that he is selling his home in Cottonwood Green and his realtor said that people were no longer interested in looking at his home in Crestone Mesa when they learned that something may be developed in the adjacent property.

Merrell Bergin of Salida commended the applicants for the thorough work in the proposal. Bergin lived in Denver for 30 years in an urban area, which is why he purchased downtown on a smaller lot. He stated the development has been in the works, so it is too late to stop the project now. Bergin stated that he supports the applicants and urged the City Council to do the same. He felt that arguing about lot size will only cause more heartache down the road.

Paul Jensen at 309 Cottonwood Circle did not feel that the proposed subdivision mirrored the abutting neighborhoods. He continued to say that it was unfair to ask the City and it's citizens to support and maintain

a park that will only be used by a small number of community members.

Areta Heard at 415 Cottonwood Cir thanked the Council for listening to the concerns. She and her husband knew it was only a matter of time before the property was developed. Heard said it was surprising to see that the park was in the center of the development and that a new city park would be added. In her opinion it would be to everyone's benefit to remove the park and reallocate all of the lots for an increased lot size.

Mike Lloyd at 115 Cottonwood Circle stated that he is not trying to stop it, but with a few modifications it would be an asset. The external alleys and narrow lots were his only objections and he felt that the 6 foot fences would be very unsightly.

Lawton Eddy at 218 Scott Street stated that the applicant is her husband. She does sympathize with the owners because when she and her husband purchased a home and the adjacent property was developed, changing the view

Jeff Sozio at 235 F Street stated that he is a designer with a degree in architecture. He continued to state that the mix of lots will create a cohesive and successful development. He would like to build a home for himself one day and felt that this development may give him that opportunity someday.

Billie Carlisle of Salida stated that he lives in a neighboring subdivision felt the new development may affect his property values. He continued to say that people in neighborhoods nearby should have a louder voice because it's something that they will see in their backyard.

Gil Smith stated that the uncovered parking would qualify as an access by definition. Having the alley way across the rear of the lots would allow for a more beautiful streetscape.

Tom McCorny explained that it is common practice for there to be shared access easements on property and it does not change the lot size. He continued to state that all of the arguments have been addressed in the materials because they are not valid arguments.

Brown asked what the status was with the agreement in regard to the ditch. McCorny explained that the ditch does go under the shared access easement in the property.

Brown asked what the process would be to accept a new city park. Hanlon stated that the plat would be having a dedication of the land upon approval of the plat.

Bowers asked what kind of access the park will have because it looked like you could only walk around it. McCorny explained that there is road access around the park.

Rodgers asked if there was a code violation if the alleys are included in the lot square footage. Hanlon clarified that in short hand it is called an alley, but it is technically a private access.

Yerkey did not see any way to get around the use by right.

Brown asked if use by right was to build a new development. Dan stated that as long as it meets the zoning codes, then it would be use by right.

Brown did not feel that the look and feel was compatible to the surrounding neighborhoods.

Baker felt that Brown was drifting into design guidelines.

Osborn stated that within a half mile there are more grid pattern traditional neighborhoods, which existed before some of the newer developments.

Yerkey felt the product would be first class because all of McCorny's other work is done very well.

Baker felt that he would have to follow the guidelines of the community and use by right.

Brown asked if the developer has a right to build a park and tell the city that it's a new park. Hanlon clarified

that it would be a decision of the city council as to whether the city takes that on.

Baker would have liked a park to have been planned in his subdivision. Yerkey was in favor of a new park.

Brown was not in favor of the added expense for the city to accept a new park.

Rodgers was in agreement with Yerkey, parks are for everyone because as it grows on the mesa, people will need a park.

Bowers was concerned about the alleys and the park. Would like to see it developed, but people have voiced some real concerns. He felt as though it was time to go back to the drawing board.

Eileen Motioned to approve Resolution 2014-79 approving the Crestone Mesa Subdivision with the condition that the park is accepted and that the approval is contingent on the relocation on the ditch. Yerkey seconded the motion. In a 3-2 roll call vote, The Motion Carried. Brown and Bowers had the dissenting votes.

3. Amendment of Mira Monte Annexation Agreement (Karl Hanlon)

Resolution 2014-80 approving the second amendment to the Mira Monte annexation agreement with 7473 Crestone, LLC.

Hanlon introduced the item and gave a brief background.

Yerkey motioned to approve Resolution 2014-82, a resolution of the Salida City Council approving the second amendment to the Mira Monte Annexation Agreement with 7473 Crestone, LLC. Rodgers seconded the motion. Hallett recused herself. In a 4-1 vote, THE MOTION CARRIED. Bowers had the dissenting vote.

Jim Miller spoke and felt that the 2015 Budget could possibly be at a special meeting.

Monika Griesenbeck of Salida spoke and mentioned there was an addition error in the Budget Resolution.

After a short discussion, the City Council was in agreement to cancel the work session on December 2nd and start the meeting at 6:00 p.m. to consider the 2015 Budget Approval.

The City Council was in agreement to open the Public Hearings and continue them to the next meeting.

4. Adoption of Pay Plan, Second Reading and Public Hearing (Jan Schmidt)

Ordinance 2014-27 amending the employee pay plan encompassing compensation policies and salary ranges.

Mayor Dickson opened the public hearing.

Billy Carlisle stated that he was unable to open the Council Packet online with any of his devices at home.

Baker motioned to continue the public hearing for Ordinance 2014-27 to the December 2, 2014 City Council Meeting. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

5. Approval of 2015 Budget and Public Hearing (Jan Schmidt)

Resolution 2014-82 summarizing expenditures and revenues for each fund, and adopting a budget for the City of Salida, Colorado, for the calendar year beginning on the first day of January 2015, and ending on the last day of December 2015.

Mayor Dickson opened the public hearing.

Rodgers motioned to continue the public hearing for Resolution 2014-82 to the December 2, 2014 City Council Meeting. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

6. Administrator/City Attorney/Deputy City Clerk

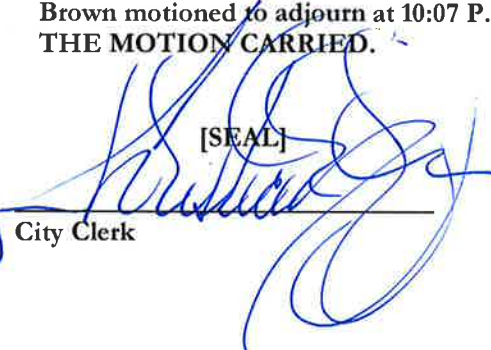
- a. City Administrator Report – Dara MacDonald
MacDonald asked how the Council would like to address the deer. The Council was in general agreement that they would like to see another work session and have the deer citizens committee join them.
She stated that Madison House Presents was looking for feedback as to whether it is something that the City Council would like to pursue
Bowers wanted to see in depth information of the organization before making a decision.
MacDonald stated that everyone involved would like to see some indication as to whether the Council would like to pursue this before investing a lot of work. She continued to state that there would be due diligence completed through the process.
Hallett asked what the feelings were after Madison House met with fire and EMS. MacDonald stated that Madison House would have a plan and would be prepared to pay for their services.
Chief Clark stated that Madison House would be providing all of the security and he is up for a good challenge.
Hallett felt that this would be an opportunity that the City should embrace.
Discussion continued.
The Council was in agreement to pursue this opportunity further.
MacDonald suggested that the November 17, 2014 work session be dedicated to the discussion of the initiative petition. She continued to state that she, the Finance Director and the Treasurer is willing to meet with Council Members to help them better understand the budget.
MacDonald mentioned several upcoming events and referenced additional events listed in the packet.
- b. City Attorney Report – Karp, Neu, Hanlon, PC
No report.
- c. Deputy City Clerk Report – Christian Samora
Samora reported that the Citizen Forum met last week for their last meeting and has requested one final meeting to finish up the recommendations to the City Council. The City Council did not have any objection to the additional meeting.

7. Elected Official Reports

- City Treasurer – Cheryl Brown-Kovacic
No report.
- City Clerk – Betty Schwitzer
No report.
- Mayor – Jim Dickson
No report.
- City Council- Keith Baker, Michael Bowers, Melodee Hallett, Eileen Rogers, Hal Brown and Tom Yerkey.

VIII. ADJOURN –

Brown motioned to adjourn at 10:07 P.M., Rodgers seconded the motion. With all in consensus, THE MOTION CARRIED.


[SEAL]
Deputy City Clerk


Mayor

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