

Independent Ethics Commission – Formal Complaint Form

Before the Independent Ethics Commission
of the State of Colorado

For Commission Use Only

Received date: 14-Jul-2020

Case. No.: 20-21

The Complainant is: Michelle M Parmeter
(name)

Mailing Address: PO Box 1224
Salida, CO 81201

Daytime telephone number: 7196404070

Email address: mparmete@yahoo.com

The Respondent is: P.T. Wood, City of Salida Mayor
(name)

Mailing Address: 448 E. First Street, Suite 112
Salida, CO 81201

Daytime telephone number: 719-530-2624

Email address: pt.wood@salidaelected.com

When did the alleged violation occur: October 15, 2019 to present

Describe the specific acts or things complained of, with facts that provide a full understanding of the alleged violation(s). If possible, cite the specific ethical standards alleged to have been violated and describe how the violation(s) occurred. Use additional pages if necessary. Attach any documentary evidence you wish to submit.

Below is a brief overview of the conduct of the City of Salida mayor, P.T. Wood, who has violated public trust under Article XXIX of the Colorado Constitution. Attached in an email accompanying this IEC formal complaint form is 34 pages of evidence detailing that conduct.

Description of acts or things complained of (continued):

The conduct of City of Salida mayor has violated public trust under Article XXIX of the Colorado Constitution with regards to the following activities stemming from a City Council meeting on October 15, 2019:

- Vacation of a portion E. Crestone Ave containing City-owned sewer
- Rezoning of land next to E. Crestone Ave
- Purchase of Union Pacific land for recreational use

The mayor of the City of Salida, which is the applicant, application reviewer and approver of the application and rezoning applications, has shown extreme bias and prejudice in favor of street vacation and rezoning, has ignored city code, has no regard of public safety or fiscal responsibility and has skewed due process in favor of rezoning and street vacation which are quasi-judicial in nature.

The City of Salida purchased Union Pacific land adjacent to property owned by the mayor, P.T. Wood. The purchased property is for recreational use only. This purchased property provides for legal trail access that did not exist prior to the purchase for existing trails behind the mayor's property. The tax assessed land values for the mayor have increased close to \$100K from 2018 to 2019. The Mayor did not recuse himself from approving and signing the resolution to purchase the Union Pacific property.

I'm requesting the applications for rezoning and street vacation to be rescinded with prejudice due to the conduct and persistent behavior violating public trust and ignoring city code.

Advisement regarding remedies and penalties: Pursuant to Colo. Const. art. XXIX, § 6, a covered individual found to have breached the public trust for private gain is liable for double the amount of the financial equivalent of any benefits obtained by such actions. The manner of recovery and additional penalties may be provided by law. The Commission does not assess criminal penalties, award injunctive relief, or award damages to complainants.

I hereby acknowledge that the facts presented herein are true to the best of my knowledge, and I will cooperate in the process regarding this complaint and will appear at any proceeding of the Independent Ethics Commission if the complaint is scheduled for a hearing.

Signature: Michael M. Parmenter

Attorney (if applicable): _____

Dated at Salida (City), Colorado, this 14 day of July, 2020.

Created by Article XXIX of the Colorado Constitution, the Independent Ethics Commission may review and hold hearings on matters falling within its jurisdiction as outlined in Article XXIX.

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Overview

The conduct of City of Salida staff, mayor and council members has violated public trust under Article 29 of the Colorado Constitution with regards to the following activities stemming from a City Council meeting on October 15, 2019:

- Vacation of a portion E. Crestone Ave containing City-owned sewer
- Rezoning of land next to E. Crestone Ave
- Purchase of Union Pacific land for recreational use

Details and evidence are provided immediately following the overview below:

The City of Salida City Council requested City staff to commence applications to vacate a street with city-owned sewer and rezone abutting land to the vacated street during a City Council meeting on October 15, 2019. The resultant land from vacating a street with city-owned sewer and rezoning adjoining land is to be donated to Chaffee Housing Trust (CHT) to build affordable homes at \$300/sq ft. A council member (Cheryl Kovacic-Brown) who motioned to approve the commencement of the applications was on the CHT Advisory Board. Two members (Cheryl Kovacic-Brown and Dan Shore) who were on the council approving the commencement of the applications were 2018-acknowledged donors to CHT. The City of Salida (staff, administrator, mayor/council) is the applicant, application reviewer and approver (judge) of applications submitted to vacate a street and rezone abutting land. As applicant, application reviewer and approver, the City of Salida (staff, administrator, mayor/council) has shown extreme bias and prejudice in favor of street vacation and rezoning, has ignored city code, has no regard of public safety or fiscal responsibility and has skewed due process in favor of rezoning and street vacation.

The wife of a council member, Harald Kasper, who was also on the council that approved the motion to commence rezoning and vacation applications, is the listing agent for a property abutting the future affording housing building site and has not disclosed to prospective buyers the impending of approval ordinances to vacate and rezone with intent to donate the land to affordable housing. Surrounding property values average close to \$600K in value while the affordable homes will be sold without the land beneath them for around \$265K. Real estate professionals have disclosure duties to both their clients and the other party. It is important to fully disclose all information important to the sale and that could affect a buyer's decision to purchase. The affordable housing development will block the future buyers view of the Collegiate Peaks, but the real estate ad for the property boasts of beautiful mountain views. Buyers have a right to know of impending zoning ordinances, vacation ordinance and development projects that will change the character of the property. If the property sells at a premium price because the impending ordinances and development projects were not disclosed, Harald and his wife will receive a higher profit from the real estate commission.

The city did not provide or post public notice in the newspaper, in the postal mail, or on the properties for the July 7th, 2020, 1st reading public hearing of the application rezoning and vacation ordinances, 2020-11 and 2020-12, respectively as required by City Code Sections 16-2-30 and 16-3-40(3). For the morning immediately following the first reading on July 7th, 2020, the city had already scheduled an Alamosa, CO survey crew to mark for a Utilities move on E Crestone. The crew stated they were doing a "survey to move utilities for government subsidized housing." By moving the City-owned utilities (sewer) prior to a land donation ordinance, the city is bypassing Colorado Statute, 31-15-713, which requires a Public vote before land with government services can be donated. E Crestone Ave contains perfectly

sound City sewer lines, but they are being moved to support land donation via ordinance. The conduct of the city violates Public trust as the mayor and council are the judges in quasi-judicial hearings. They entered the July 7th, 2020 1st reading, a quasi-judicial hearing, with prejudice and biased intent to approve E Crestone vacation and abutting land rezoning. During the quasi-judicial hearings of the Planning Commission and City Council 1st reading, the city administrator, Drew Nelson, and mayor, P.T. Wood has maintained social media connections via Facebook with the city attorney, Nina Williams, where the city is both client of the attorney and judge for the quasi-judicial rezoning and vacation hearings further violating public trust.

In the same October 15, 2019 city council meeting, the City of Salida purchased Union Pacific land within 200 ft of property owned by the mayor, P.T. Wood, and a council member, Harald Kasper. The purchased property is for recreational use only contributing to Salida's Parks and Open Space area. This purchased property provides for legal trail access that did not exist prior to the purchase for existing trails behind the mayor and council member's property. Numerous studies have shown parks and open space increase property values 10-25%. The tax assessed land values for the mayor and council member have increased close to \$100K each from 2018 to 2019. Council member, Harald Kasper, has recently placed some of his land for sale using his real-estate wife as the listing agent, boasting "Single track mountain bike trails will be just steps away from your back door". Council member, Harald Kasper, and mayor, P.T. Wood did not recuse themselves from approving the land purchase ordinance. Council member, Harald Kasper, and his wife will profit real-estate commission on the sale of the council member's property.

October 15th 2019 – City Council Meeting

Reference:

- City of Salida Municipal Code:
https://library.municode.com/co/salida/codes/code_of_ordinances
- YouTube City Council meeting: <https://www.youtube.com/watch?v=nc3gOglPxPk>
- City Council Packet: <https://cityofsalida.com/wp-content/uploads/10.15.2019-RM-Packet.pdf>

Background

The City of Salida Planning Commission rejected a proposal to vacate E. Crestone Ave in 2011 due to the routing of traffic on a steep grade through M Street and creation of a steep blind curve. In 2019, the City of Salida requested staff to find shovel-ready land within Salida for the purposes of affordable housing land donations. Mayor P.T. Wood: "We are also trying to figure out how we can work with Habitat for Humanity and the Chaffee Housing Trust and give them some shovel-ready properties so they can get some buildings going up in the short term." Reference: <https://arkvalleyvoice.com/a-conversation-with-mayor-of-the-city-of-salida-pt-wood/> Just prior to the October 15, 2020 City Council meeting, Chaffee Housing Trust asked the city to donate land located on E. Crestone Ave which would require a street with city utilities to be vacated and rezoning of adjoining land. Since that request, the city has shown an unhealthy and biased fixation to vacate E. Crestone Ave and rezone abutting property. In their quest to solve housing for Salida's workforce, the city has ignored city code, public safety, fiscal responsibility and ethics.

Motion to commence vacation and rezoning applications

Minutes from October 15, 2019 city council meeting contain in: <https://cityofsalida.com/wp-content/uploads/11.05.2019-RM-Packet-2.pdf>

"Brown-Kovacic made a motion to direct staff to commence applications for vacation of public right-of-way at the intersection of 3rd Street and East Crestone Avenue and to rezone any new contiguous parcel with one common zoning designation. Seconded by Kasper.
With all in favor, THE MOTION PASSED."

Councilperson, Cheryl Brown-Kovacic, motioned to commence rezoning and vacation applications in order donate land to CHT while she served on the CHT advisory board, Figure 1.

The screenshot shows the Chaffee Housing Trust website. At the top, there is a navigation bar with links to various news sources like Google News, COLottery, Yahoo, Dickinson Press, YouTube, Craigslist COS, GSAAuctions, Reuters, and a search bar. Below the navigation bar is the Chaffee Housing Trust logo, which features a circular icon with a mountain and a house, followed by the text "CHAFFEE HOUSING TRUST" and "A Commitment to Community". The main menu below the logo includes links for HOMEOWNERS, INVESTORS, WHO WE ARE, WHAT WE DO, and ADVISORY BOARD. The ADVISORY BOARD link is highlighted in blue. The page content starts with a section for Eileen Rogers, followed by a section for Cheryl Kovacic-Brown, Ph.D., with a red arrow pointing to her name.

Eileen Rogers

Retired teacher, former Salida City Council Member

Eileen has been involved in affordable housing dating back to the mid-80's. She participated in Colorado Springs Habitat for Humanity's creation and their first home construction. Eileen was part of the original team that created Grecco Housing, serving on their Board of Directors for several years. As an elected official Eileen championed affordable housing efforts in Salida and Chaffee County.

Cheryl Kovacic-Brown, Ph.D

Salida City Councilperson

Cheryl's academic background as an education consultant, evaluator and New Mexico Public Education Department Director lends to her deep analysis of the issues. She has long been a supporter of affordable housing, having served on the County Land Use Roundtable and Salida Planning Commission before being elected to City Council where she continues to work for constituents who cannot afford current housing.

Figure 1 - Cheryl Kovacic-Brown on Advisory Board <https://www.chaffeehousing.org/board-and-staff>

Councilpersons, Cheryl Kovacic-Brown and Dan Shore, are 2018 highlighted donors to CHT. Figure 2.

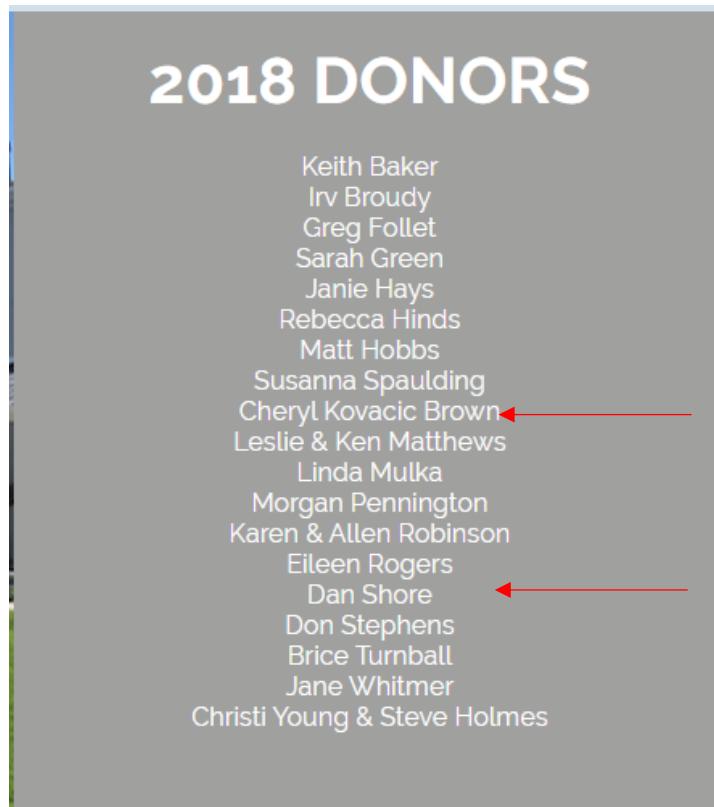


Figure 2 - CHT donors <https://www.chaffeehousing.org/sponsors-and-donors>

The land encompassed in the survey (Figure 3) used to approve the motion was not the same land used in future vacation application (Figure 4 and Figure 5). The survey was changed to favor of land donation to CHT instead of quitclaiming to the abutting landowner (Pryor residence). Section 16-6-30.

Vacation of recorded plat, right-of-way or easement.

(2) Quitclaim Deed. Whenever the City approves an application *vacating* a public right-of-way, the City shall provide abutting landowners with a quitclaim deed for the *vacated* lands. Each abutting landowner shall be deeded that portion of the *vacated* right-of-way to which the owner's land is nearest in proximity.

The land depicted the October, 15 2020 (Figure 1) survey is what the public believed the council used to approve the motion to commence the vacation application.

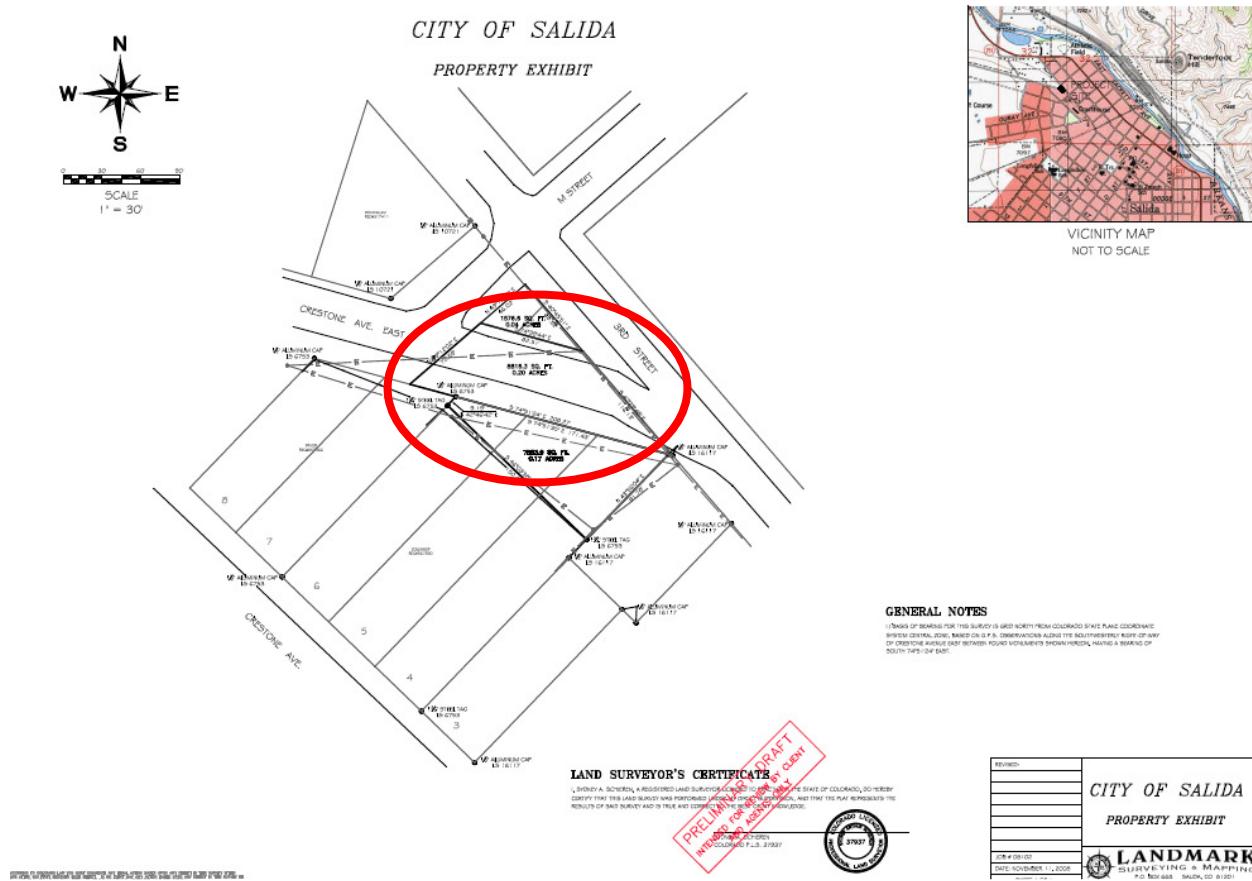


Figure 3 - Land footprint used for Council motion approval

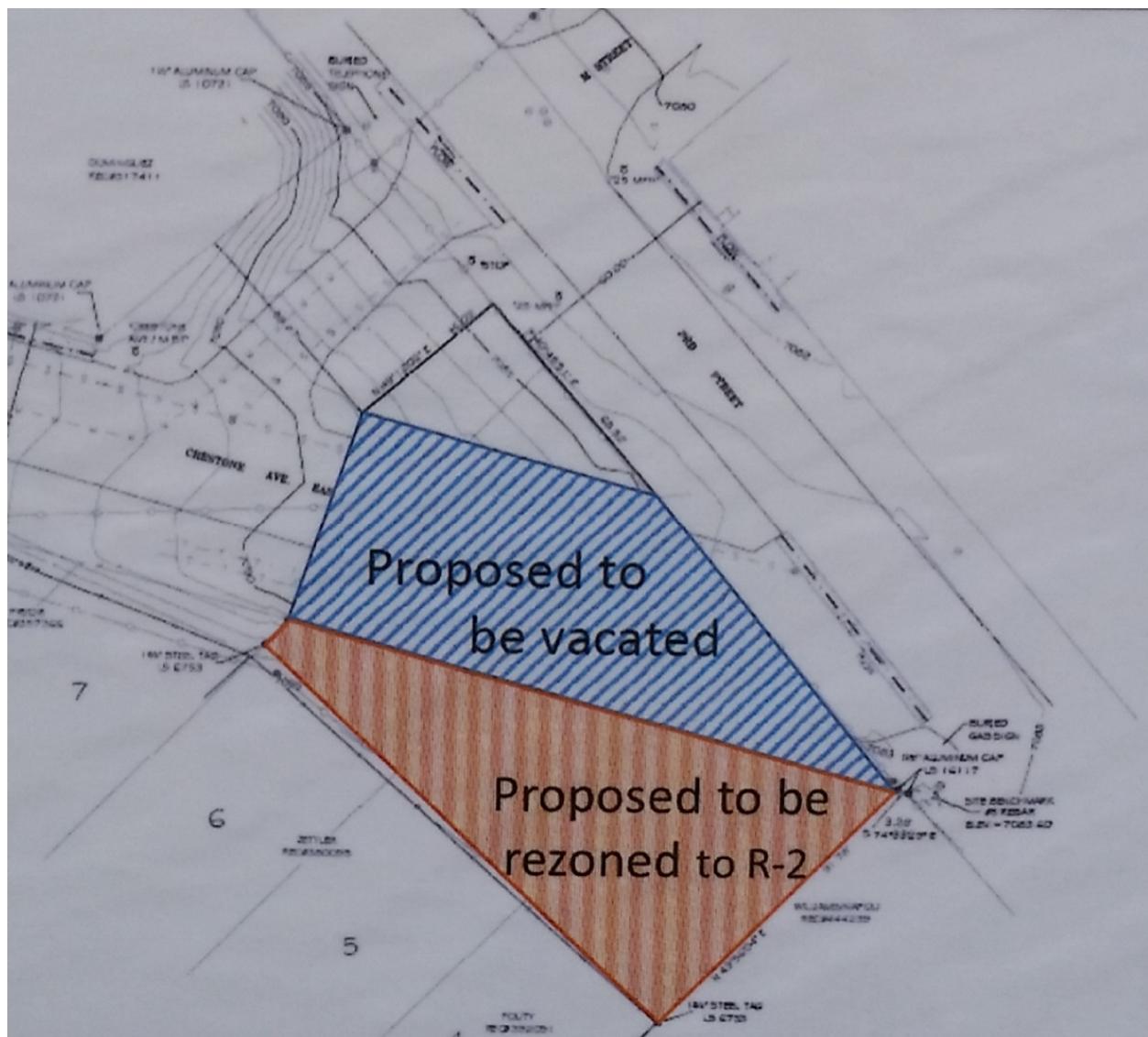


Figure 4 - Street area to be vacated

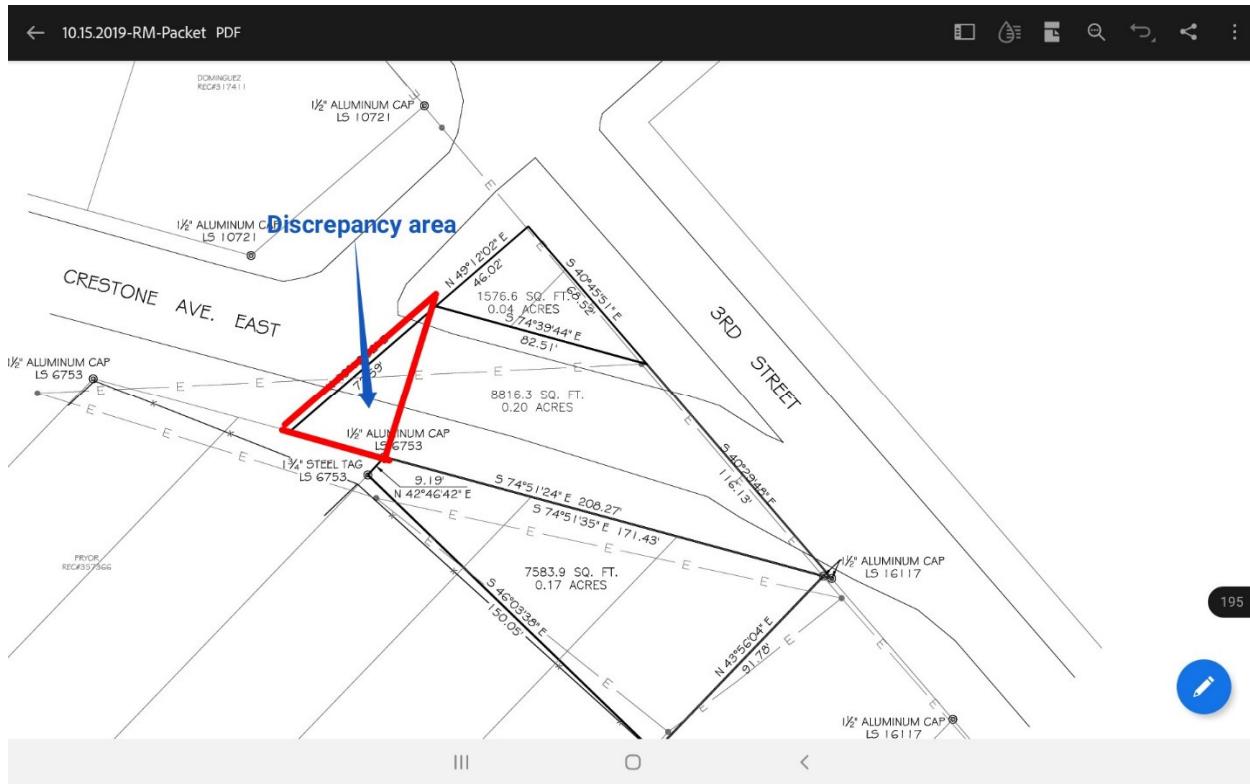


Figure 5 Discrepancy in land showing abutment to Pryor residence

15 Oct 2019 City Council Meeting - Purchase of Union Pacific land for recreational use only

Background

City of Salida mayor, P.T. Wood, and council member, Harald Kasper, own property in an area known as Hillside. In 2008, this land was obtained by P.T. Wood via a land swap with the City of Salida while P.T. Wood and Harald Kasper were members of the City of Salida Planning Commission.

"My brother and I came across a great deal that helped us fund the distillery. We knew the people that owned the S Mountain property [the iconic foothills behind the town], and thought it'd be a good thing to own, so we made an offer and bought it for pretty cheap. We then traded it to the city of Salida for some other property that they owned, did a little land development there, and that gave us the extra seed money for the distillery."

Reference: <https://www.elevationoutdoors.com/go-outside/straight-talk-p-t-wood/>
 Land transaction with City of Salida is shown in Figure 6.

Property Address	HILLSIDE DR SALIDA, CO
Brief Tax Description	PT NE4SE4 32-50-9 REC 378423 <i>(Note: Not to be used on legal documents)</i>
Class	Exempt
Subdivision	
Neighborhood	N/A
Tax District	District 07
Millage Rate	49.026
Acres	20

Owner

[Salida City Of](#)
448 E 1st St #112
Salida, CO 812012804

Land

Description	Acres	Square Footage	Value	Columns ▾
Exempt-Town/Non-Res	20	871,200.00	\$139,061	

Valuation

	2020	2019	2018	2017	Columns ▾
Land Value	\$139,061	\$114	\$114	\$114	
Building Value					
Total Value	\$139,061	\$114	\$114	\$114	
Assessed Land Value	\$40,330	\$30	\$30	\$30	
Assessed Building Value					
Total Assessed Value	\$40,330	\$30	\$30	\$30	
Estimated Total Taxes	\$1,977.22	\$1.47	\$1.45	\$1.41	

Sales

Sale Date	Sale Price	Instrument	Reception Number	Vacant or Improved	Grantor	Grantee	Columns ▾
12/30/2008	\$90,000	Warranty Deed	378421	Vacant	TN BAR CATTLE CO INC	WOOD DEVELOPMENT LLC	
12/30/2008	\$90,000	Warranty Deed	378423	Vacant	WOOD DEVELOPMENT LLC	SALIDA CITY OF	

Figure 6 - Land transaction between Wood Development and City of Salida

During the October 15, 2019 city council meeting, the council approved resolution 2019-54 which allowed the mayor, P.T. Wood, to execute closing on Union Pacific property within 200 ft of both P.T. Wood and Harald Kasper properties. Harald Kasper was on the council that approved this resolution. The property provides legal recreational use access to a trail system (land swap from 2008) directly behind P.T. Wood and Harald Kasper properties. P.T. Wood should have recused himself and let mayor pro tem, Dan Shore, sign the resolution. Harold Kasper should have recused himself from voting.

Minutes from October 15, 2019 city council meeting contain in: <https://cityofsalida.com/wp-content/uploads/11.05.2019-RM-Packet-2.pdf>

Resolution 2019-54 Approving a Buyer's Settlement Statement and Quit Claim Deed for the Purchase 64.43 Acres from the Union Pacific Railroad, Authorizing the Expenditure of Funds in the Amount of \$222,539.79, and Authorizing the Mayor to Execute the Closing for Property in the Arkansas Hills Area (Administration)

Nelson gave background regarding the land purchase. Bowers expressed concerns regarding exclusive recreational use and potential contamination. Nelson addressed Bowers' concerns. Templeton made a motion to approve Resolution 2019-54. Seconded by Brown-Kovacic. Shore, Templeton, Kasper and Brown-Kovacic voted to approve the Resolution; Bowers voted against.

With a majority, THE MOTION PASSED.

Figure 7 shows Resolution 2019-54. Figure 8 shows survey of land purchase. Figure 9, Figure 10 and Figure 11 show property ownership and proximity.

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 54
(Series of 2019)**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO,
APPROVING A BUYER'S SETTLEMENT STATEMENT AND QUIT CLAIM DEED FOR THE
PURCHASE OF 64.43 ACRES FROM THE UNION PACIFIC RAILROAD, AUTHORIZING
THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$226,813.56, AND AUTHORIZING
THE MAYOR TO EXECUTE THE CLOSING FOR PROPERTY IN THE ARKANSAS HILLS
AREA**

WHEREAS, The City of Salida has been acquiring property in the Arkansas Hills area for the purpose of expanding recreational opportunities in and around the City of Salida for residents and guests; and

WHEREAS, The City and the Union Pacific Railroad would like to continue the process of land acquisition for purposes of recreation, open space, view corridor protection, and acquiring community assets and infrastructure for the public; and

WHEREAS, the City desires to compensate Union Pacific Railroad the sum of \$226,813.56 for the property identified in Exhibit A, approximately 64.43 acres in size, subject to the terms and conditions of the Quit Claim Deed to be executed by the parties.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
SALIDA COLORADO, THAT:**

1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations, and findings.
2. The Buyer's Settlement Statement, Quit Claim Deed, and expenditure of \$226,813.56 are hereby approved, and the Mayor is authorized to sign all documents to execute the closing on behalf of the City.

RESOLVED, APPROVED, AND ADOPTED this 15th day of October, 2019.

CITY OF SALIDA, COLORADO

By _____
P.T. Wood, Mayor

[SEAL]

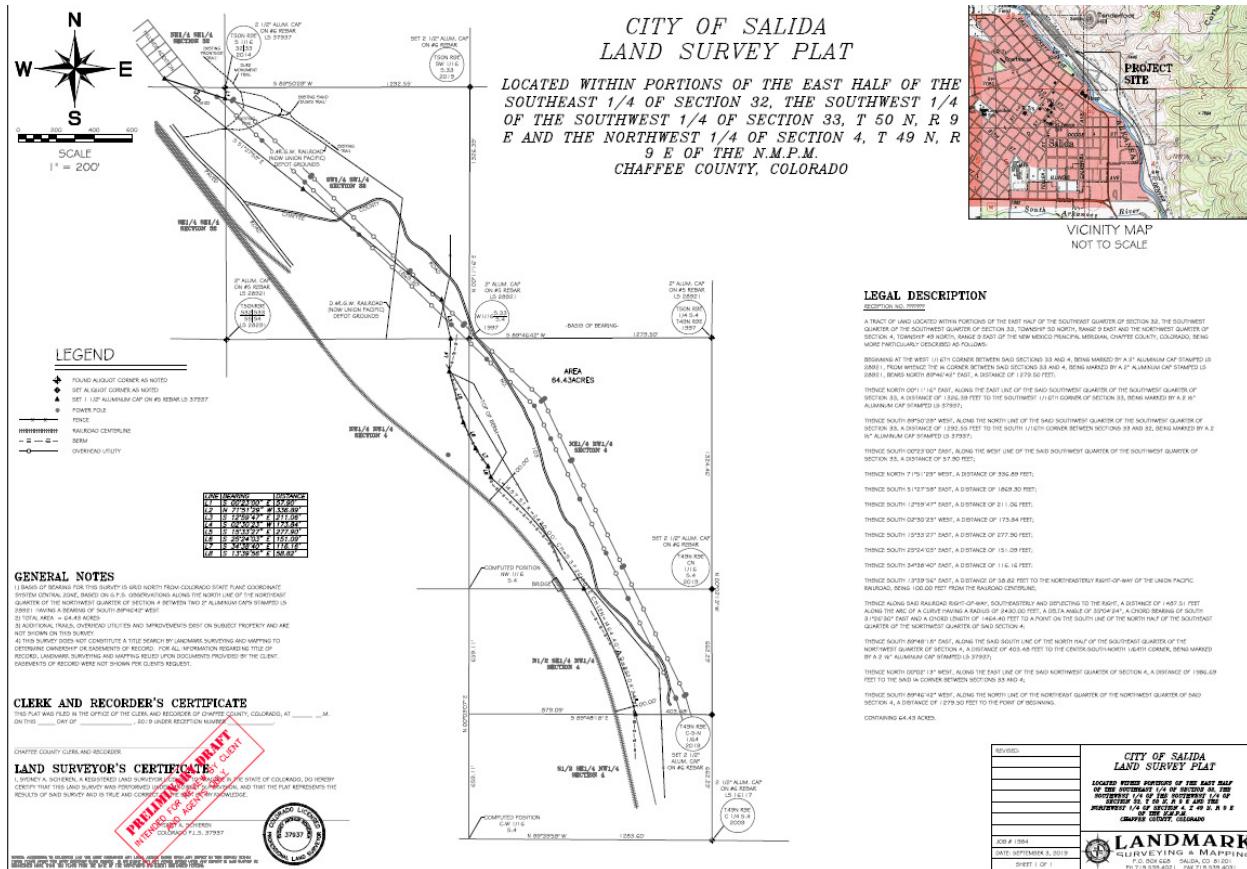


Figure 8 Land survey of purchased area included in the October 15, 2019 packet.



Parcel Number	368132401422
Account Number	R368132401422
Property Address	4 HILLSIDE DR SALIDA, CO
Brief Tax Description	TRACT A HILLSIDE MINOR SUBDIVISION PLAT 385172 SAL339 REC 378425 <small>(Note: Not to be used on legal documents)</small>
Class	Vacant Land
Subdivision	HILLSIDE MINOR SUBDIVISION
Neighborhood	N/A
Tax District	District 07
Millage Rate	49.026
Acres	0.573921

Owner

Wood Development Company LLC
2960 Washington St
Boulder, CO 803043131

Land

Description	Acres	Square Footage	Value
Vacant Lot - Residential	0.573921	25,000.00	\$181,935

Valuation

	2020	2019	2018
Land Value	\$181,935	\$181,935	\$84,500
Building Value			
Total Value	\$181,935	\$181,935	\$84,500
Assessed Land Value	\$52,760	\$52,760	\$24,510
Assessed Building Value			
Total Assessed Value	\$52,760	\$52,760	\$24,510
Estimated Total Taxes	\$2,586.61	\$2,586.61	\$1,185.33

Figure 9 P.T. Wood's property

From State of Colorado business search, Wood Development Company LLC articles of incorporation:

<https://www.sos.state.co.us/biz/ViewImage.do?masterFileId=20081644747&fileId=20081644747>

Figure 10 shows P.T. Wood as an equity owner of the property on Hillside.

Wood Development Company, LLC

NAME, ADDRESS AND TELEPHONE NUMBER OF EQUITY OWNERS

Powell T. Wood
P.O. Box 237
Salida, CO 81201
719-539-3174

Eason L. Wood
2960 Washington St.
Boulder, CO 80304
303-440-8694

Figure 10 Equity owners in Wood Development Company

Figure 11 shows one of the 3 Hillside lots owned by Harold Kasper.

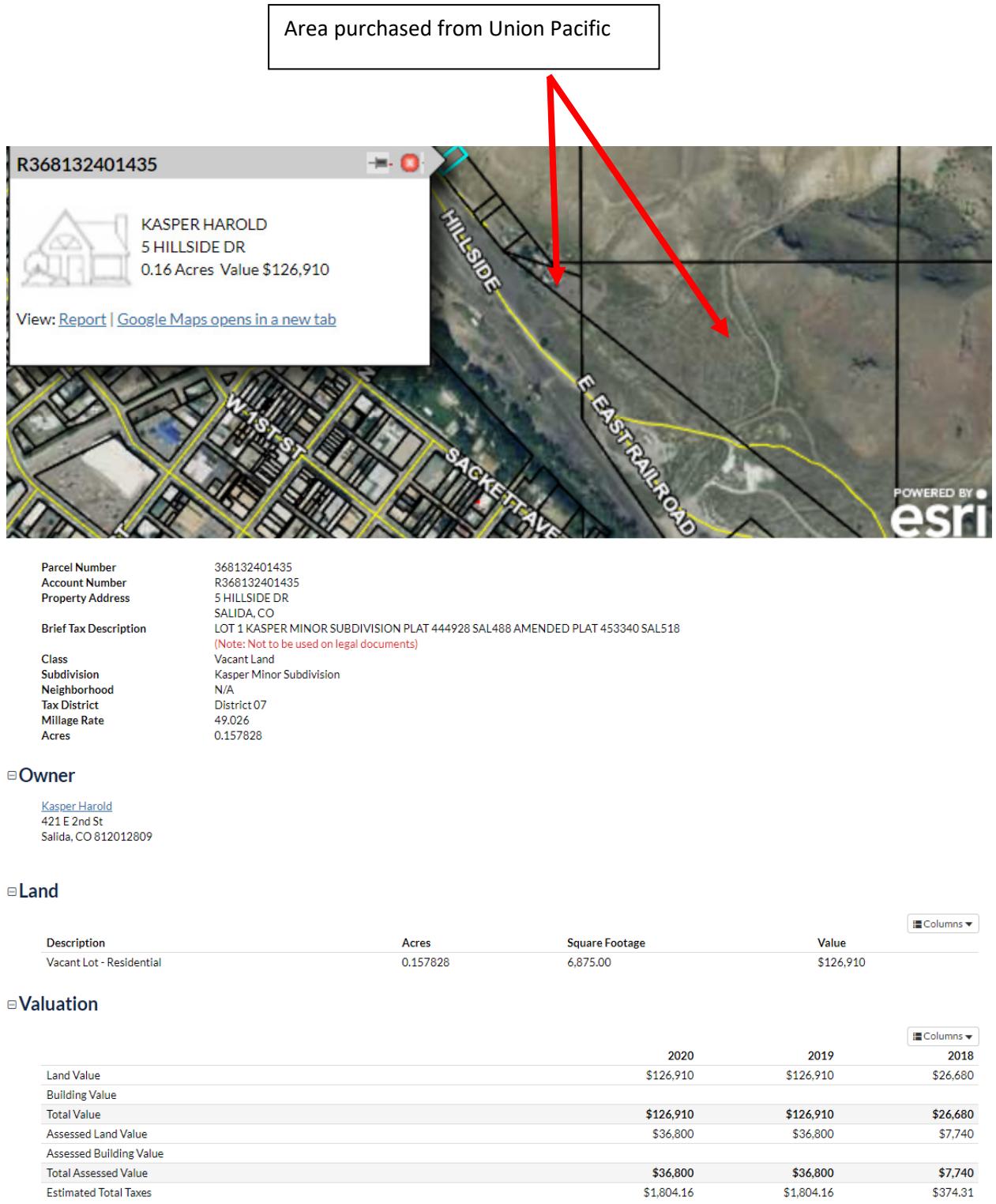


Figure 11 Harold Kasper Lot 5

Wife of Council member Kasper listed the property for 144K on June 5th, 2020, Figure 12. The Kasper's will profit from the increased real estate commission due to land value increase.

https://www.zillow.com/homedetails/5-Hillside-Rd-Salida-CO-81201/306242595_zpid/



Zillow Save Share More

\$144,000 6,873 sqft
5 Hillside Rd, Salida, CO 81201

Contact Agent

[Overview](#) [Facts and features](#) [Home value](#) [Price and tax hist >](#)

southern exposure and mountain views. This lot has had improvements: well and specially engineered septic system are in. Bring your plans and build your Colorado Mountain dream home here in the heart of Salida. Lot will allow for up to two bedrooms. Enjoy walking to the river and into downtown Salida's historic district and take advantage of all they have to offer: rafting, swimming, fishing, restaurants, bars, the park and shopping. Single track mountain bike trails will be just steps away from your back door. Mountain living at its finest!

Figure 12 - Kasper property listing

February 2020 – Applications signed by CHT

Applications for rezoning and vacation were submitted by CHT and signed only by executive director, Read McCulloch on February 6, 2020 as applicant/agent.

The City of Salida penciled themselves in as Applicant sometime after CHT submitted the application but did not sign the applications. Figure 13 and Figure 14.

1. TYPE OF APPLICATION (Check-off as appropriate)

- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Administrative Review:
(Type) _____ |
| <input type="checkbox"/> Pre-Annexation Agreement | <input type="checkbox"/> Limited Impact Review:
(Type) _____ |
| <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Major Impact Review:
(Type) Right of Way vacation |
| <input type="checkbox"/> Appeal Application (Interpretation) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Certificate of Approval | |
| <input type="checkbox"/> Creative Sign Permit | |
| <input type="checkbox"/> Historic Landmark/District | |
| <input type="checkbox"/> License to Encroach | |
| <input type="checkbox"/> Text Amendment to Land Use Code | |
| <input type="checkbox"/> Watershed Protection Permit | |
| <input type="checkbox"/> Conditional Use | |

2. GENERAL DATA (To be completed by the applicant)**A. Applicant Information**

Name of Applicant: Chaffee Housing Trust - Read McCulloch /City of Salida

Mailing Address: PO Box 692, Buena Vista, CO 81211

Telephone Number: (719) 239-1199

Email Address: read@chaffeehousing.org

Power of Attorney/ Authorized Representative: _____

(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

B. Site Data

M & 3rd

Name of Development: _____

Intersection of East Crestone, M St., and 3rd St., Salida

Street Address: _____

Legal Description: Lot _____ Block _____ Subdivision _____ (attach description)

PT LOT 4-6 STRIP C EDDY BROTHERS ADD

Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent _____ Date 2/6/2020

Signature of property owner _____ Date _____

Figure 13 E. Crestone Ave Vacation application

1. TYPE OF APPLICATION (Check-off as appropriate)	
<input type="checkbox"/> Annexation	<input type="checkbox"/> Administrative Review: (Type) _____
<input type="checkbox"/> Pre-Annexation Agreement	<input type="checkbox"/> Limited Impact Review: (Type) _____
<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Major Impact Review: (Type) <u>Right of Way vacation Rezoning</u>
<input type="checkbox"/> Appeal Application (Interpretation)	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Certificate of Approval	
<input type="checkbox"/> Creative Sign Permit	
<input type="checkbox"/> Historic Landmark/District	
<input type="checkbox"/> License to Encroach	
<input type="checkbox"/> Text Amendment to Land Use Code	
<input type="checkbox"/> Watershed Protection Permit	
<input type="checkbox"/> Conditional Use	
2. GENERAL DATA (To be completed by the applicant)	

A. Applicant Information

Name of Applicant: Chaffee Housing Trust - Read McCulloch /*City of Salida*
 Mailing Address: PO Box 692, Buena Vista, CO 81211
 Telephone Number: (719) 239-1199 FAX: _____
 Email Address: read@chaffeehousing.org

Power of Attorney/ Authorized Representative: _____
 (Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

B. Site Data

M & 3rd

Name of Development: _____
 Street Address: Intersection of East Crestone, M St., and 3rd St., Salida

Legal Description: Lot _____ Block _____ Subdivision _____ (attach description)
PT LOT 4-6 STRIP C EDDY BROTHER ADD
 Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent _____ Date *2/6/2020*

Signature of property owner _____ Date _____

Figure 14 E. Crestone property rezoning

CHT does not own the property and since the city did not sign the application as owner, the city ignored the City Code requirement of the applicant to show proof of ownership.

Section 16-3-70

Requirement. When proposing a development requiring a limited or major impact review, the applicant shall first request a pre-application conference with the Administrator to discuss and review procedures and requirements as well as the City goals and policies. The applicant shall provide for the conference:

- (1) An application for development permit on a form prescribed by the Administrator from time to time;
- (2) A conceptual plan of the proposed development which may be a freehand drawing of the proposed development, depicting topography of the land to be developed, the existing and proposed street system with approximate right-of-way widths, the block and lot pattern with approximate areas noted, and the location of utilities and existing development on the land; and
- (3) Proof of ownership of the land proposed for development.

June 22, 2020 – Planning Commission hearing

Reference:

- City of Salida code link: https://library.municode.com/co/salida/codes/code_of_ordinances:
- Planning Commission Packet: <https://cityofsalida.com/wp-content/uploads/Packet-06.22.2020.pdf>
- YouTube link: https://www.youtube.com/watch?v=X_oD-C4SerU

The public hearing was a travesty of due process. This planning commission hearing should not have happened on June 22, 2020 as the city ignored and bypassed City code (described in the following paragraphs below). The public (6 individuals) wished to provide in-person comment because the applicants (City and CHT) were allowed in council chambers in-person to defend the applications. The public was locked out of council chambers without water or bathroom facilities in a hot parking lot for almost 3 hours (Figure 15) while the applicants sat in the comfort of empty council chambers (Figure 16). COVID public hearing procedures allowed the applicant in council chambers:

<https://cityofsalida.com/wp-content/uploads/QJ-COVID-Procedures-1.pdf>

The city valued a non-critical-business street vacation and rezoning over the public health by holding non-compliant public hearings on controversial topics during a time of increased tourism and continue rising of COVID cases further violating public trust.



Figure 15 Parking lot for public comment showing not water or bathroom facilities

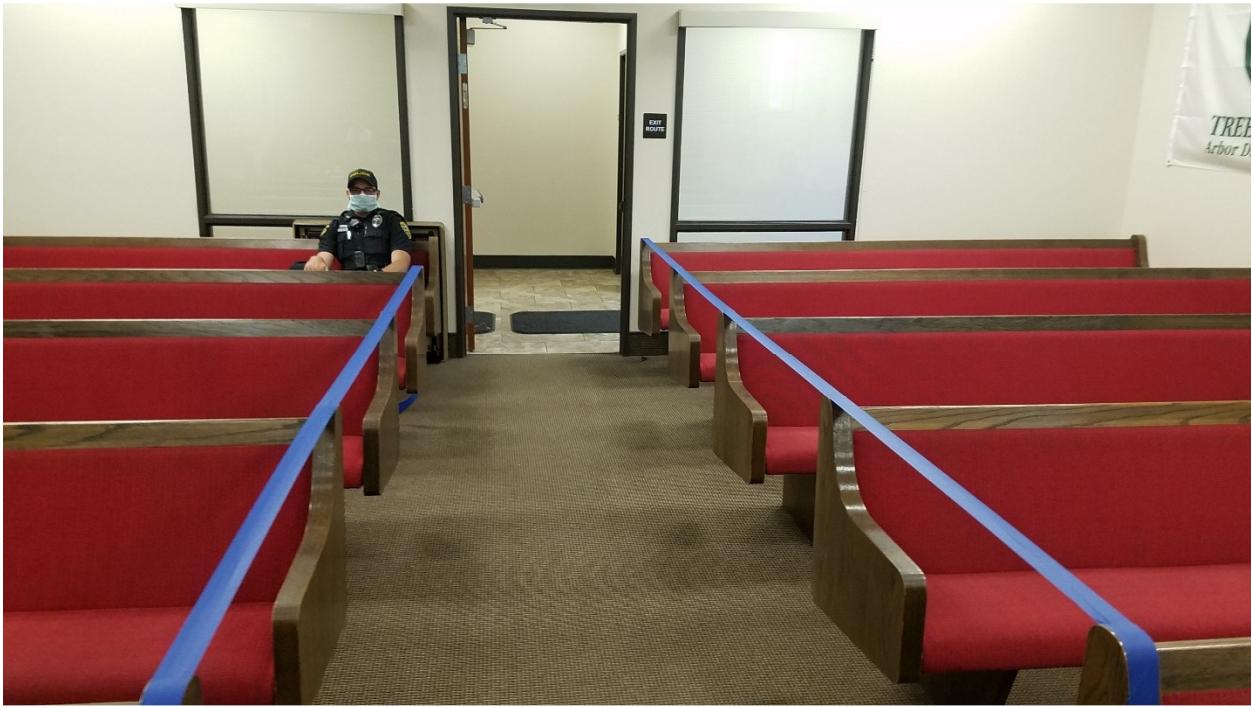


Figure 16 Empty council chambers

Timing of upload of the Planning Commission packet to the City's website was 830 PM on Friday 18 June 2020 giving the public 8 business hours to digest over 300 pages of application to prepare for public comment on 22 June 2020. The city and CHT had over 4 months to prepare the planning commission packet.

```
<link>https://cityofsalida.com/wp-content/uploads/Packet-06.22.2020.pdf</link>
      <description></description>
      <pubDate>Fri, 19 Jun 2020 20:26:00 +0000</pubDate>
      <guid>https://cityofsalida.com/wp-content/uploads/Packet-06.22.2020.pdf</guid>
```

City Planner, Bill Almquist, incorrectly posted the date of the Planning Commission on the City's news feed further confusing the public and violating public trust. Figure 17.

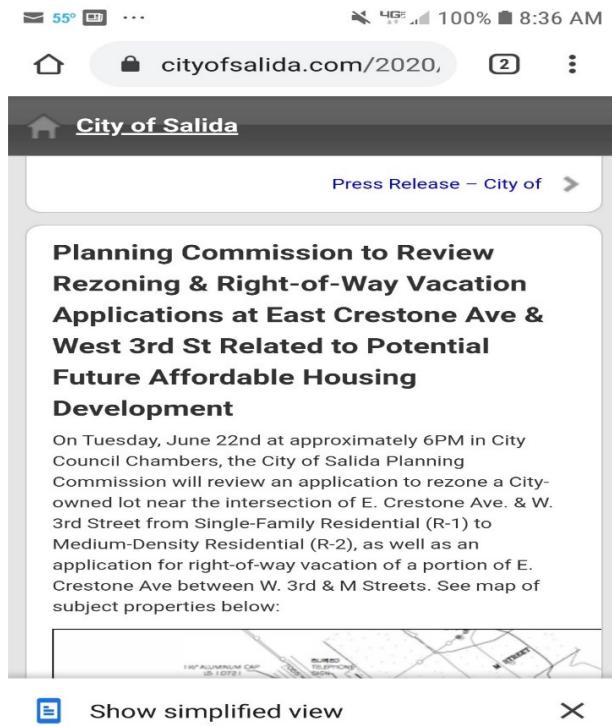


Figure 17 Salida news feed for Monday June 22, 2020 public hearing

Section 16-3-90 Major Impact Review

Development Plan Submittal. ... and no later than four (4) weeks before the Planning Commission meeting at which it is to be reviewed ... The Administrator shall review the application for "completeness"; i.e., consistency with the pre-application checklist and the applicable requirements of this Code. Within seven (7) days of the submittal, the Administrator shall determine if the application is "complete" and entitled to proceed with the department/agency review and to be scheduled for a public hearing

The development plan was stamped on June 15, 2020, Figure 18. According to City code, this means the development plan was received within the week prior to June 15th. City code states that the development must be receive no later than 4 weeks prior to the Planning Commission public hearing. If the development plan was received between June 8th and June 15th, the public hearing should have been scheduled between July 6th and July 13th.

The city did not sign the application until June 1st. Community Development Director, Glen Van Nimwegen signed for City Administrator Drew Nelson. Figure 19 and Figure 20. During February 6th and June 1st, the city was not a signatory applicant but continued to work side-by-side with CHT. Drew Nelson, as city administrator, is responsible for reviewing applications and development plans for correctness and completeness. Drew Nelson as both application reviewer and applicant for the rezoning and vacation applications, chose to ignore city code and scheduled the Planning Commission hearing for June 22, 2020 which is less than the 4 weeks required by city code.



Figure 18 Application with development plan stamped for review

1. TYPE OF APPLICATION (Check-off as appropriate)

- Annexation
- Pre-Annexation Agreement
- Variance
- Appeal Application (Interpretation)
- Certificate of Approval
- Creative Sign Permit
- Historic Landmark/District
- License to Encroach
- Text Amendment to Land Use Code
- Watershed Protection Permit
- Conditional Use

- Administrative Review:
(Type) _____
- Limited Impact Review:
(Type) _____
- Major Impact Review:
(Type) Right-of-Way vacation Rezoning
- Other: _____

2. GENERAL DATA (To be completed by the applicant)

A. Applicant Information

Chaffee Housing Trust - Read McCulloch /*City of Salida*

Name of Applicant: _____

PO Box 692, Buena Vista, CO 81211

Mailing Address: _____

(719) 239-1199

Telephone Number: _____ FAX: _____

read@chaffeehousing.org

Email Address: _____

Power of Attorney/ Authorized Representative: _____

(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address, telephone number, and FAX)

B. Site Data

M & 3rd

Name of Development: _____

Intersection of East Crestone, M St., and 3rd St., Salida

Street Address: _____

Legal Description: Lot _____ Block _____ Subdivision _____ (attach description)

PT LOT 46 STRIP C EDDY BROTHER ADD
Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent _____

[Signature]

Date 2/6/2020

Signature of property owner _____

Glen Van Nimwegen for Drew Nelson

Date 2/1/2020

Figure 19 Rezoning application with Glen Van Nimwegen's signature for Drew Nelson



GENERAL DEVELOPMENT APPLICATION

448 East First Street, Suite 112
Salida, CO 81201
Phone: 719-530-2626 Fax: 719-539-5271
Email: planning@cityofsalida.com

1. TYPE OF APPLICATION (Check-off as appropriate)

- | | |
|--|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Administrative Review:
(Type) _____ |
| <input type="checkbox"/> Pre-Annexation Agreement | <input type="checkbox"/> Limited Impact Review:
(Type) _____ |
| <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Major Impact Review:
(Type) Right of Way vacation _____ |
| <input type="checkbox"/> Appeal Application (Interpretation) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Certificate of Approval | |
| <input type="checkbox"/> Creative Sign Permit | |
| <input type="checkbox"/> Historic Landmark/District | |
| <input type="checkbox"/> License to Encroach | |
| <input type="checkbox"/> Text Amendment to Land Use Code | |
| <input type="checkbox"/> Watershed Protection Permit | |
| <input type="checkbox"/> Conditional Use | |

2. GENERAL DATA (To be completed by the applicant)

A. Applicant Information

Name of Applicant: Chaffee Housing Trust - Read McCulloch /City of Salida
PO Box 692, Buena Vista, CO 81211

Mailing Address: _____
(719) 239-1199

Telephone Number: _____ FAX: _____
read@chaffeehousing.org

Email Address: _____

Power of Attorney/ Authorized Representative: _____
(Provide a letter authorizing agent to represent you, include representative's name, street and mailing address,
telephone number, and FAX)

B. Site Data

M & 3rd
Name of Development: _____

Intersection of East Crestone, M St., and 3rd St., Salida
Street Address: _____

Legal Description: Lot _____ Block _____ Subdivision _____ (attach description)

PT LOT 4-6 STRIP C EDDY BROTHERS ADD
Disclosure of Ownership: List all owners' names, mortgages, liens, easements, judgments, contracts and agreements that run with the land. (May be in the form of a current certificate from a title insurance company, deed, ownership and encumbrance report, attorney's opinion, or other documentation acceptable to the City Attorney)

I certify that I have read the application form and that the information and exhibits herewith submitted are true and correct to the best of my knowledge.

Signature of applicant/agent _____

Date 2/6/2020

Signature of property owner _____

Date 6/1/2020

Figure 20 - E. Crestone Vacation application signed by Glen Van Nimwegen for Drew Nelson

Application Process (City Code Section 16-3-50) shall include a written list of information which shall constitute the applicant's development plan, which shall be that information necessary to determine whether the proposed development complies with City Code. The development plan shall include the following, as further specified for each level of review on the pre-application checklist:

1. Pre-Application Conference (Limited Impact and Major Impact Review Applications) Section 16-3-70:

The applicant shall first request a pre-application conference with the Administrator to discuss and review procedures and requirements as well as the City goals and policies. The applicant shall provide for the conference:

- (1) An application for development permit on a form prescribed by the Administrator
- (2) A conceptual plan of the proposed development which may be a freehand drawing of the proposed development, depicting topography of the land to be developed, the existing and proposed street system with approximate right-of-way widths, the block and lot pattern with approximate areas noted, and the location of utilities and existing development on the land; and
- (3) Proof of ownership of the land proposed for development.

2. Submit Application
3. Staff Review. Staff report or decision forwarded to the applicant (Administrative review by City Administrator Section 16-3-90 above)
4. Public Notice
 - a. 15 days prior to public hearing
 - b. Notified affidavit of posting (checkbox on Application)
5. Public Hearing with Planning Commission (Limited Impact and Major Impact Review Applications)
Public hearing will be scheduled 4 WEEKS AFTER RECEIPT of DEVELOPMENT PLAN – Section 16-3-90
6. 2 hearings for Major Impact Review Section 16-3-40 (3)

... applications that will have significant impact will be submitted first to the City Council for conceptual plan review. They will then be reviewed by the Planning Commission and then City Council at noticed public hearings. Applications that are adopted by ordinance must be heard at two (2) City Council meetings, including planned development, rezoning, and right-of-way vacation

- a. Public Notice for 1st reading
- b. Hearing for 1st reading Conducted by City Council (Major Impact Review)
- c. Public notice for 2nd reading
- d. Hearing for 2nd reading Conducted by City Council (major impact review)

The city did not meet the 15 day public posting as the wind blew away the signs within 12 hours of posting and when the city returned to fix the signs 3 days later they only posted on one property. Figure 21. Bill Almquist stated only one sign was required; however, city code states one sign per property as there are 2 properties involved with the rezoning and vacation. Email between Bill show in Figure 22. The applicant (City and CHT) did not supply a notarized affidavit of the posting as required by application shown in Figure 23.



Figure 21 - Missing public hearing sign

Re: E. Crestone Public hearing signs are non-compliant



Michelle Parmeter <mparmete@yahoo.com>

6/11/2020 1:03 PM



To: bill.almquist@cityofsalida.com Cc: harald.kasper@salidaelected.com; Mike Pollock; dan.shore@salidaelected.com; jane.templeton@salidaelected.com; justin.critelli@salidaelected.com; ali... ▾

One sign per property is required by code: "Notice shall be posted by the applicant on the subject property...."

There are 2 applications for 2 properties being discussed, rezoning E. CRESTONE property and vacation. E. CRESTONE property that is going to be rezoned did not meet 15 day and applicant placement requirement plus full disclosure. The 3rd W Public notice did not meet full disclosure requirement.

[Sent from Yahoo Mail on Android](#)

On Thu, Jun 11, 2020 at 12:48 PM, Bill Almquist <bill.almquist@cityofsalida.com> wrote:

For reference, I am attaching photos showing that the site was posted in multiple locations (only one location is required by the Code) on Friday, June 5th. I am also attaching a photo of the replacement notice that I constructed at the corner of W. 3rd and E. Crestone Ave. on Monday, June 8th, after I learned that the postings had blown off in Saturday's "derecho." I also attempted to re-secure one of the other notices to the stop sign, but it appears that sign fell down again. The sign at the corner of W. 3rd and E. Crestone Ave. remains.

Figure 22 Email between Bill Almquist on non-compliant public posting

- B. Application Contents (City Code Section 16-3-50)**
1. A General Development Agreement completed.
2. A copy of a current survey or the duly approved and recorded subdivision plat covering the subject lots where the proposal is for development on previously subdivided or platted lots;
3. A brief written description of the proposed development signed by the applicant;
4. Special Fee and Cost Reimbursement Agreement completed.
5. Public Notice.
- a) List. A list shall be submitted by the applicant to the city of adjoining property owners' names and addresses. A property owner is considered adjoining if it is within 175 feet of the subject property regardless of public ways. The list shall be created using the current Chaffee County tax records.
 - b) Postage Paid Envelopes. Each name on the list shall be written on a postage-paid envelope. Postage is required for up to one ounce. Return Address shall be: City of Salida, 448 E. First Street, Suite 112, Salida, CO 81201
 - c) Applicant is responsible for posting the property and submittal of notarized affidavits for proof of posting the public notice.

Figure 23 Screenshot of CHT application for vacation and rezoning requirements

Section 16-3-90

- (a) For all actions of the City described in this Chapter requiring public hearings, the applicant shall provide public notice and shall demonstrate that such public notice conforms to the following requirements.
- (b) Except as otherwise required by law, notice shall be sent by first class mail to all property owners within one hundred seventy-five (175) feet of the property in question at least fifteen (15) days in advance of the hearing.
- (c) (Except as otherwise required by law, notice of the hearing shall be published in a newspaper of general circulation within the City at least fifteen (15) days in advance of the hearing.
- (d) Pursuant to C.R.S. Section 24-65.5-103, as may be amended, not less than thirty (30) days before the date scheduled for the first public hearing for a subdivision or development application specified in the statute, the applicant shall provide notice to the owners of the mineral estate. Such notice shall be by certified mail, return receipt requested.
- (e) Notice shall be posted by the applicant on the subject property at least fifteen (15) days in advance of the hearing. The dimensions of the sign shall be at least eleven (11) inches by seventeen (17) inches, and the materials to which the notice form is affixed shall be upright, sturdy and waterproof or shall have a waterproof covering.

When the public asked Glen Van Nimwegen, community development directory, why the city is having the PC hearing when they didn't comply with city code, he stated the city attorney, Nina Williams, reviewed all public comment and that she did not find anything out of compliance.

Bill Almquist deceived the Planning Commission when asked about the land survey discrepancy. He disputed public claim that the surveys of the proposed street vacation were different stating the

October 15, 2019 survey was just a draft and subject to change. However, the survey was a preliminary draft that was stamped and certified by the surveyor. Figure 3. Preliminary drafts are for clients and agents only and used as the foundation of development projects. The purchase of the Union Pacific land used a preliminary draft to approve resolution 2019-54 authoring the purchase of land. Figure 8.

The city has deceived the public by publishing a cost estimate that includes only 1 of 3 property values that will be donated. They used the tax assessed value of \$122K. They are missing the cost of property obtained from the vacation of the street and a section of land at the corner of M St and 3rd St. The resulting land that was not included is approximately .23 acres so the missing property cost is at least over \$122K. Link to cost estimate: <https://cityofsalida.com/wp-content/uploads/Estimate-Cost-Breakdown-1.pdf>

The cost does not include the cost of the original sewer that will be destroyed when moved, the cost of the recent repaving of E. Crestone (part of 5 year repaving plan, 2013-2018), the cost of regrading E. Crestone and M Street and adding a curve, the cost of the city attorney, and the cost of City labor and services. We believe the cost estimate is missing \$200-300K of costs. Bill Almquist said the full appraisal of all the land will only happen after ordinance approval.

The city has deceived the public by directing staff to find shovel-ready city-owned property but instead the city finds and fixates on a property that requires a street vacation, relocation of city sewer, regrading of streets and adding a curve. There is nothing shovel-ready about the property that was chosen for donation.

The street contains government services (Figure 24) which would require a vote according to Colorado Statute, 31-15-713. From June 22, 2020 planning commission packet:

Public Works – David Lady -- E. Crestone Ave is an active right-of-way for both traffic, drainage, and sewer utility uses.

City administrator and city attorney tells Planning commission the land vacated by E. Crestone Ave can be donated via ordinance instead of public vote.

Traffic study was done during COVID using a Police traffic counter. The numbers were not adjusted for COVID and the counter did not register pedestrians or cyclists (under 10 mph)

City planner, Bill Almquist, deceived the planning commission by telling them a traffic study was “not needed” for such a small development; however, a street that provides the most direct and safe route to/from the neighborhoods (250 homes) on the Mesa and CR 160 is being vacated. Figure 25 Section 16-7-90 requires an existing conditions assessment for traffic circulation. Section 16-3-50 (6) (vi) lists a traffic analysis prepared by a qualified expert:

“A traffic analysis prepared by a qualified expert ...”

Bill Almquist along with Drew Nelson, as application reviewer, has chosen to ignore those requirements from city code.

City Planner and City Administrator deceived the Planning commission by stating E. Crestone had an acute angle and should be avoided. The majority of traffic turns right from E. Crestone onto 3rd St to

head toward downtown through an obtuse angle. This is ideal. Most on/off merge ramps are obtuse. Only a lost tourist use the acute angle left turn of E. Crestone onto 3rd St. Figure 26

E. Crestone is the natural extension of CR 160 and is the main corridor to get to/from town the Mesa. The Mesa sits higher above town. L and M streets having grades around 15% and 12%, respectively. E. Crestone is between L and M streets at a longer obtuse angle with a 4 % grade. It is the most straight, least graded (4%) street to get to the Mesa. Using E. Crestone avoids county buildings and courthouse traffic. Cyclists use E. Crestone to avoid the same traffic and steep grades of L and M Streets. E. Crestone is on the historic Leadville Stage Route.

The city is removing of the most direct, least graded route to/from the Mesa and replacing it essentially with a switch back whose curve is within 100 ft of an intersection which is against City Public works code and whose resulting grade, which cannot be guaranteed by the City as grading will be challenging, will go from 4% to 8% in 85 ft to a curve then turn up into another 4% grade. See Figure 27. This is a dangerous route for cyclists and is introducing more turns and more grade for motorists which will be difficult to navigate when the snow flies. The city is also forcing another route that traverses courthouse traffic and requires an acute angle turn for residences on E. Crestone. See Figure 28 The city is not providing sidewalks for pedestrian traffic. By choosing to remove E. Crestone and force traffic up an M. St curve or through Courthouse traffic, the city and city council have no regards for public safety. Figure 29 shows former Police Chief concerns in 2011. He recommended putting up a barricade due to the sharp turn from E. Crestone to M Street. However, the city has chosen to put a driveway to a parking lot on the curve.

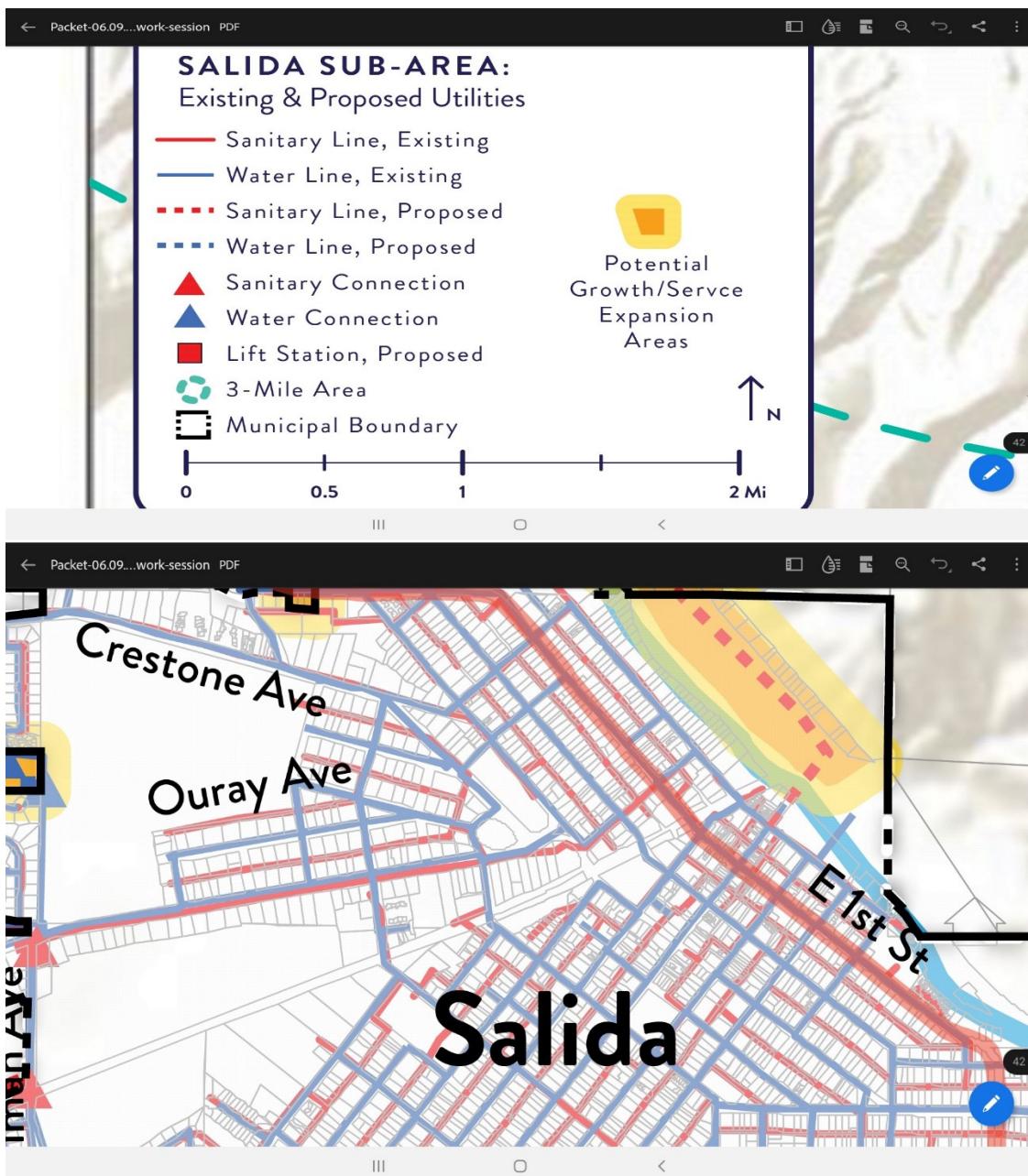


Figure 24 E. Crestone Sewer Line reference Chaffee County Comprehensive Plan in Salida PC packet: <https://cityofsalida.com/wp-content/uploads/Packet-06.09.20-work-session.pdf>



Figure 25 Impact Area of Street Vacation and Rezoning showing general traffic flow for 250 residences

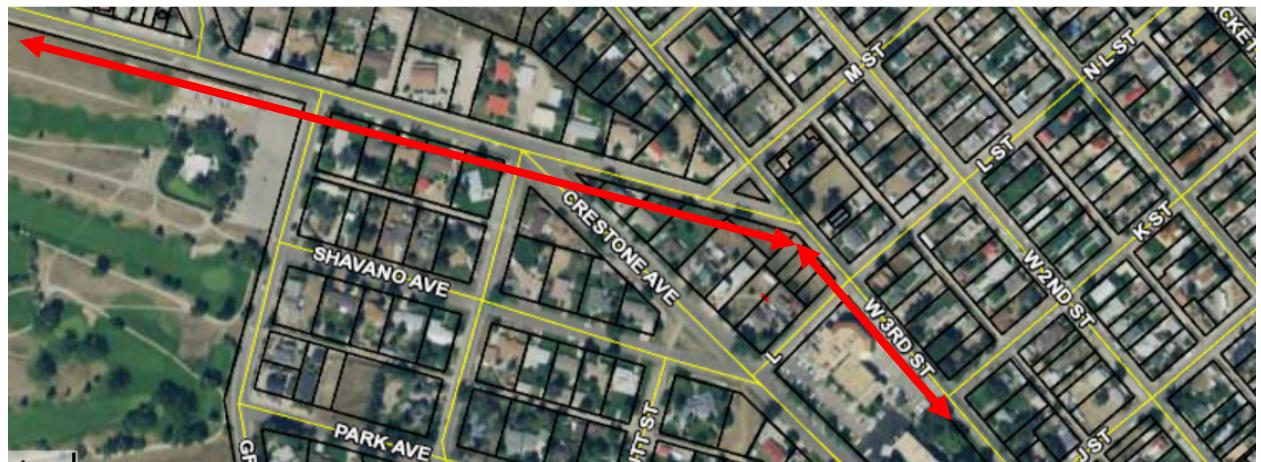


Figure 26 Zoom of Street Vacation showing general traffic flow to/from Mesa and E. Crestone neighborhoods (obtuse angle)

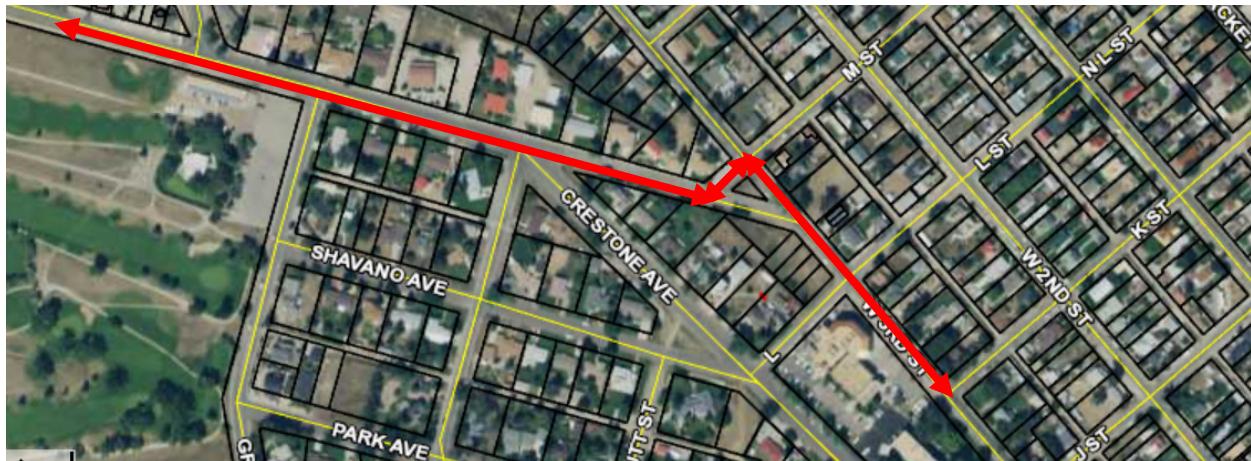


Figure 27 Traffic flow after vacation, right angle, 8% grade and a curve within 100 ft of intersection

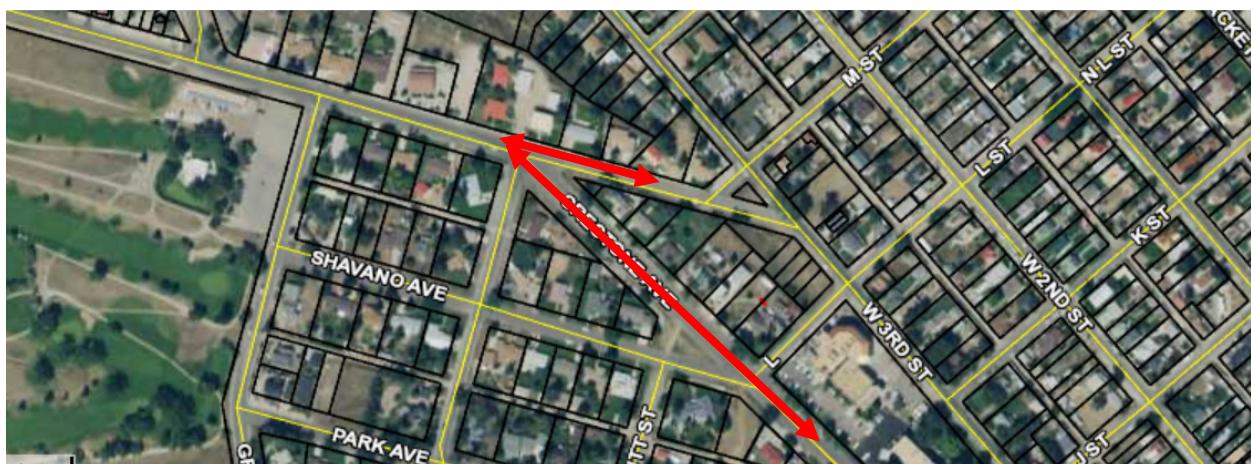


Figure 28 Traffic flow after vacation for E. Crestone residences acute angle

Police Department, Chief Clark: I have reviewed the plan as submitted. I appreciate the discussion between you, Rob, Dara and I. I believe I have a better understanding of the reason why we want to vacate the street portion that intersects with W. 3rd St.

I have concerns for traffic safety and the proposed plan. If we go through with this as proposed we will take what is essentially a straight road (E. Crestone) down to W. 3rd St and make a complete 90 dg turn, which is tight and on a steep hill. I know you have this situation anyway but with the plan that will be the only choice. The short steep hill going from W. 3rd st up to E. Crestone is very narrow. I have checked records for this intersection and I have found no accidents or problems with the intersections as they are today.

I understand we are doing this for future development of houses. The problem I see with this if you vacate is, any traffic going East bound on Crestone and going down to W. 3rd St- all on a downhill slope, I could easily see a vehicle not seeing the very sharp curve and running in to the property. If you go through with this you will need large barricades and signage that indicates the upcoming turn.

Figure 29 Comments and concerns of former police chief in 2011 regarding E. Crestone vacation

July 2020 – 1st reading of applications adopted by ordinance

Link to City Code: https://library.municode.com/co/salida/codes/code_of_ordinances

Link to Council Meeting Packet: <https://cityofsalida.com/wp-content/uploads/7.7.20-Packet.pdf>

Link to YouTube: <https://www.youtube.com/watch?v=noNhL7nZ758>

The city did not provide a public hearing notice in the newspaper or public posting of hearing or mail notice to properties within 175 ft as required by City Code 16-2-30 and 16-3-40(3). Sign posting on properties still reflect the public hearing for June 22, 2020.

Agenda and packet were uploaded 22:55 on July 2nd, 2020 ... the night before a public holiday and holiday weekend.

```
<link>https://cityofsalida.com/wp-content/uploads/7.7.20-Packet.pdf</link>
    <description></description>
    <pubDate>Thu, 02 Jul 2020 22:55:53 +0000</pubDate>
    <guid>https://cityofsalida.com/wp-content/uploads/7.7.20-
Packet.pdf</guid>
```

Picture of Alamosa survey crew the morning after the July 7th, 2020 first reading of the ordinances is shown in Figure 30 We are working on getting the work order details from that Alamosa survey crew.



Figure 30 Survey crew from Alamosa on the morning of July 8th, 2020

Bill Almquist deceived City council stating the Planning Commission voted unanimously for the street vacation. Timing on YouTube: 53:40. The Planning Commission was initially split at 3-3 and asked for a

delay of vote and after being badgered by the applicants for another 2 hrs, the Planning Commission re-voted at 4-2.

The city attorney, Nina Williams, has made it so confusing and intimidating for city council to avoid ex parte communications that the council did not read public comment entered into public record prior to the July 7th, 2020 meeting. Nina Williams has maintained social media connections with the mayor and city administrator. As the city's client she is biased toward the city's quest to rezone and vacate. During quasi-judicial hearings, the mayor is a judge. Being Facebook friends with a client and a judge of quasi-judicial further violates public trust.

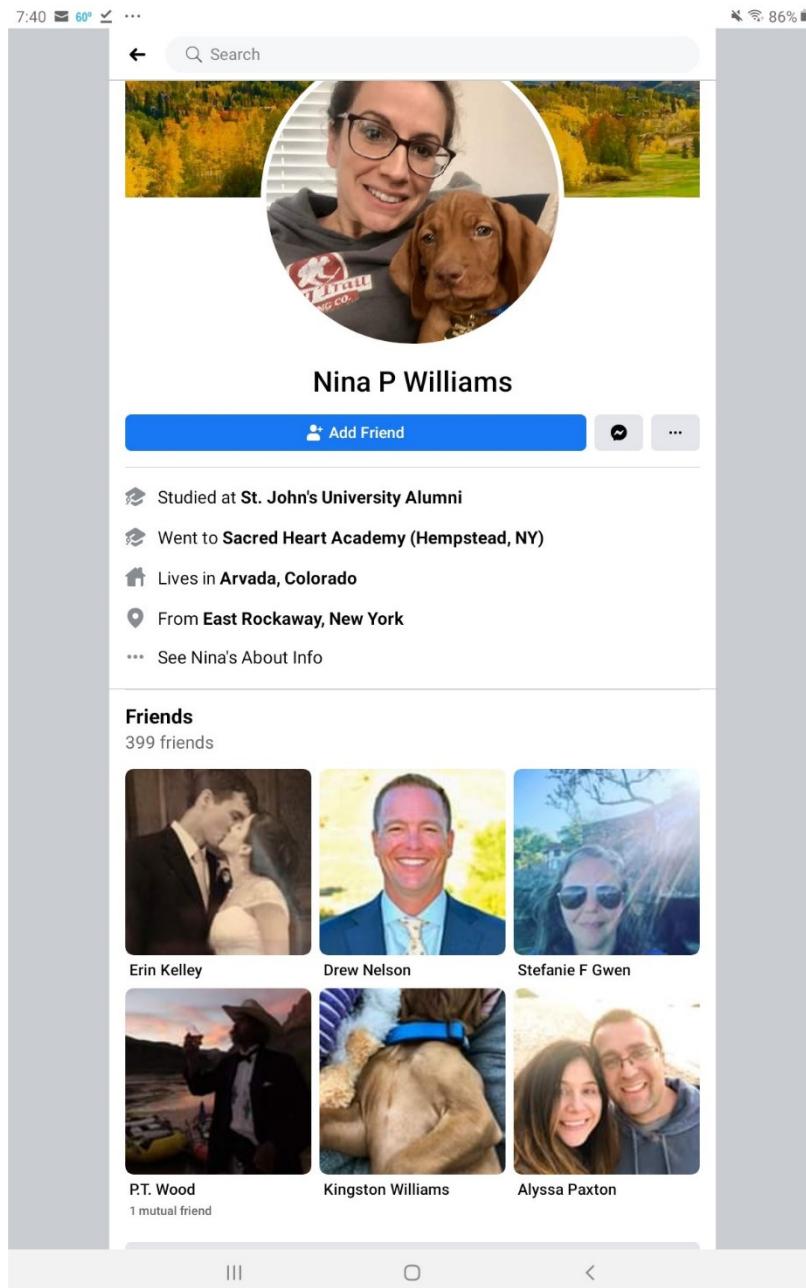


Figure 31 Nina William's Facebook connections with P.T. Wood and Drew Nelson