



**MINUTES REGULAR MEETING
CITY COUNCIL CHAMBERS
125 E. 3rd Street**

Salida, Colorado

January 5, 2010

6:00 p.m.

The meeting was called to order at 6:05 p.m.

PLEDGE OF ALLEGIANCE -

Led by Mayor Chuck Rose.

ROLL CALL -

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

CITIZEN PARTICIPATION -

Mayor Rose said one person signed to speak but the topic they signed to speak about is on the agenda as a public hearing. He requested they hold their comments until that item is visited later in the meeting.

Council Member Damman arrived at 6:07 p.m.

PRESENTATIONS --

No presentations are scheduled.

SCHEDULED ITEMS-

1. Consent Agenda
 - a. Approval of Agenda
 - b. Approval of Minutes: Minutes December 15, 2009

Staff recommends combining and approving the items on the consent agenda.

A motion was made by Yerkey to combine and approve the items on the consent agenda. Moore seconded the motion. With all in consensus, **THE MOTION CARRIED.**

2. Designating a posting place for public notices –
Resolution 2010-01 designating the place for the posting of public notices for the City Council meetings and other City business.

Deputy City Clerk Janella Martinez presented information that is included in the packet for the record. As required by State Statute 24-6-402(2)(c) the City annually designates the place for posting public notices.

Historically the front window at City Hall has been the official place for posting City meetings, and other public notices.

Currently meetings are listed and posted in the front window at City Hall. The Public Notice Posting form and Meeting Agendas are placed in the window at City Hall. City Hall will relocate this year and when the move is complete City Council will be asked to approve the window at the new location as the official posting place. Until this time, the presented resolution will designate the posting place as the front window of the current City Hall. The presented Resolution 2010-01 will approve the front window located at City Hall, 124 'E' St., Salida, CO 81201 as the designated posting location.

A motion was made by Moore to approve RESOLUTION 2010 -01 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SALIDA, COLORADO DESIGNATING THE PLACE FOR THE POSTING OF PUBLIC NOTICES FOR THE CITY COUNCIL MEETING AND OTHER CITY BUSINESS. The motion was seconded by Baker. With all in consensus, THE MOTION CARRIED.

3. 2010 Recycling Agreement-

Resolution 2010 - 02 approving an agreement for the participation with the Upper Arkansas Area Regional Recycling program and authorizing the City Administrator and the Deputy City Clerk to execute such agreement.

City Administrator Jack Lewis presented written materials that are included in the packet. The City has supported the Upper Arkansas Area Council of Governments recycling program since it was instituted. The annual cost has been assessed based on population. The estimated charge to Salida for 2010 is \$4,717.24 due to the sale of materials in 2009 which has reduced the cost. The 2010 rate is reduced by \$2,223.46 that was generated by the sale of materials generated in 2009. This rate is captured in the draft budget for 2010. The level of usage indicates that this is a service that is important to Salida residents. The City encourages our residents to recycle.

Michael Kunkel has served as the City's representative to the recycling program Board of Directors. Council Member McCormick noted that costs have become increasingly lower over time for the City.

A motion was made by Baker to pass RESOLUTION 2010-02 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING AN AGREEMENT FOR THE PARTICIPATION WITH THE UPPER ARKANSAS AREA REGIONAL RECYCLING PROGRAM AND AUTHORIZING THE CITY ADMINISTRATOR AND THE DEPUTY CITY CLERK TO EXECUTE SUCH AGREEMENT. The motion was seconded by Moore. With all in consensus, THE MOTION CARRIED.

4. Senior Center Lease –2nd reading, Public Hearing (Karl Hanlon)

Ordinance 2009-19 approving the lease of 305 F Street to the Salida Senior Citizens Center,

The request is to approve a commercial property lease by and between the City of Salida (the "City or "Lessor") Salida Senior Citizens, Inc., a Colorado non-profit corporation, (the "Seniors" or "Lessee").

The City owns the building and surrounding real property known as the Salida Community Center located at 305 F Street. The original lease expired in 2008 and was renewed for a one-year term, which is expiring at the end of the year. The Seniors are represented by attorney, Bill Smith, with regard to this lease negotiation.

Mayor Rose read the complete title of Ordinance 2009-19. During the last meeting many comments were heard by Council. He requested that anyone wishing to speak hold their comments to three minutes.

Attorney Hanlon thanked Council Members Stewart and Damman met yesterday with the Senior Citizens Center, Inc. volunteer board. The meeting included Attorney Hanlon and Administrator Lewis and the Senior Citizens Center, Inc. volunteer board with their legal counsel, Attorney Bill Smith. The agreement that was distributed for Council during the morning work session is the same document presented this evening. The "Whereas" clauses are more lengthy because they include a bit of history about the center. One clause says the center will be a valuable resource in the community that will continue to provide services to the community. The term has been changed to a twenty year term and the termination clause has been changed to 180 days written notice by either party. If the City terminates the lease it shall make a finding at a public hearing that termination of the lease is in the best interest of the citizens of Salida. In paragraph three the recommendation of the committee changes the rent to \$1.00 per year and includes that the Recreation Department can continue to hold activities free of charge.

Council Member Moore asked if a future Council decides sell the property, would it have to be done by ordinance. Attorney Hanlon said the City would be required to approve a resolution or ordinance to place a question on the ballot. Then if voters approval was given after the election Council would have to approve an ordinance for the sale of public property. The process could take as long as a year to do all that is required to sell a building that has been used for public use. Moore asked Hanlon to give an overview of the history of the Senior Center for the public.

Back in 1982 the Senior Center was operated in a facility owned by Merle Baranczyk. The center was given notice to move out. They entered into negotiations with the City for the land where a small fish pond was located. A group of volunteers raised about \$66,000 for construction of the building. They applied for and received an Energy Impact grant of \$122,000, was used to build the facility. The City of Salida donated the land to put the facility on. Council Member McCormick was a contractor back then and built the building. The City drew up a 25 year lease that expired in 2008. Last year Council granted a one year extension of the lease which brings us to this current negotiation. From the beginning there was a cooperative effort from involved parties.

Attorney Bill Smith, representing the Salida Senior Center, Inc., thanked Councilor Damman and Stewart, Attorney Hanlon and Administrator Lewis for working together with the Senior Citizens, Inc. Board to get through the negotiations. He also acknowledged the former Council for having the foresight to see having a Senior Center as a viable part of the community. The outcome is a lease that gives the center flexibility that if they need to move out they can. One last point Smith said that if Council approved the lease he had a receipt that proved the Salida Senior Center Inc. is paid up through 2012.

Mr. Dan Jones, does not live in the City but has a Salida address feels the seniors play a very important part of the make up of the community. He thinks at least three members of Council are approaching senior status. This has been a cooperative effort by the City and the seniors. We all play an important part in having fun and growing together as a community.

Sally Kennet, a county resident, is pleased with this property lease and especially pleased with that this Council recognizes that Salida is a healthy community. Ms. Kennet emphasized that citizens need to come forward to make known the programs for all ages that are needed to make the center a success. She is pleased the city and the seniors are working together.

Doug Rausch, Treasurer of the Senior Citizens Center, Inc thanked everyone for the work done to get to this point. Assuming everyone is in agreement.

Mayor Rose asked if those in favor of the presented lease to show it by raising their hands. The majority of the audience raised their hands. He asked if anyone with concerns would wish to express them, or if anyone else had any comments to come forward. No one spoke. Mayor Rose closed the public hearing.

A motion was made by Moore to approve ORDINANCE 2009-19 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, APPROVING THE LEASE OF 305 F STREET TO THE SALIDA SENIOR CITIZENS, INC. The motion was seconded by McCormick. With all in consensus, THE MOTION CARRIED.

City Administrator/City Attorney/Deputy City Clerk –

a. Administrator's Report –

City Administrator Jack Lewis presented written materials that are included in the packet for the record.

- Waiving fees requested by Salida Biodiesel Co-op

The Fire Department received the attached letters requesting that fees be waived that were charged as a result of responding to the scene of a Hazardous Material Incident. The Fire Department charged the fees per City policy and statute authorization.

The City Council is the only body authorized to waive any fee. The Staff does not have any strong feelings one way or the other on this request other than it tends to set a dangerous precedent.

Chief Taylor is present to answer any questions Council might have. No motion is necessary if Council decides to not waive fees. This relates for the statutory provision to have fees reimbursed.

Chief Taylor has a couple of points regarding the invoice the key point is due to the complexity of hazardous materials incidents, there is a statutory requirement to recoup expenses that occur. This is not a bill, this is recouping costs expended by the Fire Department for answering this call. The City does not bill for an emergency call to your house. This is a service that is provided through the City Fire Department and the Cooperative Agreement with the South Arkansas Fire District.

What happened in this situation was that the Fire Department was called out to a structure fire at the Salida Biodiesel Co-op. This fire occurred at about 7:00 a.m. due to a failure in a heating element in an

external tank to the building. When my crew arrived there was approximately 200 gallons of liquid on the ground that came out of the unmarked tank. The fire spread to the buildings surrounding the tank. Without any information my crew followed protocol which was to call in the Hazardous Material crew. In Salida we don't have the equipment to handle this type of call. When the owner arrived and explained that the substance was vegetable oil, the Hazardous Material crew was called off. This is not a bill for the structure fire by the Fire Department, this is a statement required by State Statute for reimbursement for expenses.

Council members asked how many hazardous material incidents there has been this year. Chief Taylor said there have been seven since June. A brief discussion followed about notifying the Fire Department about what is stored on your property.

Mayor Rose asked for a motion by Council. There was no motion, so the request is denied.

- Approval of Reserve Firefighter pursuant to Personal Manual Section 8.2

Fire Chief, Don Taylor, would like to hire Brian Jefferson as a reserve firefighter. Brian is Bob Jefferson's son. Bob Jefferson is a captain in the department and could at times supervise Brian's work.

Our personnel manual states:

The following relatives of any officer, employee or elected official of the City who has the authority to hire, fire, or supervise employees, or of his/her spouse, will not be hired by any officer, employee, or elected official of the City of Salida without the prior consent of the City Council: spouse, child, parent, brother or sister, mother-in-law, father-in-law, sister-in-law, or a person with whom the employee shares a household in a personal relationship.

City staff sees no issues with this hiring. There will be very little overlap with the two employees. City staff recommends that a member of Council makes a motion to approve the hiring of Brian Jefferson as a reserve fire fighter. We will come back to Council if the fire department ever wants to hire Brian Jefferson as a full time employee, if this provision remains in the personnel manual.

A motion was made by Moore to approve hiring of Brian Jefferson as a reserve fire fighter with the City of Salida. The motion was seconded by Baker. With all in consensus, THE MOTION CARRIED.

- b. City Attorney Report –

Attorney Hanlon continues to work on the sewer agreement with Poncha Springs and met today with Poncha Springs Legal Counsel Brad Redmiles, and Interim Town Administrator Jerry LaStrange. Today's meeting was most productive and the most positive to date. City Administrator Lewis agreed.

Mayor Rose thanked the Poncha Springs Mayor and the Poncha Town Board for their cooperative efforts.

- c. Deputy City Clerk -

Martinez received an email today from Patty Turner with Chaffee County who said a joint work session is scheduled on January 26th, 2010. The location is to be determined, but please put this date

on the calendar.

Martinez is not an off the cuff thinker and when the City presented her with a plaque in recognition of my service to the community she was caught off guard. She thanked the citizens for electing her to two four year terms. It was a pleasure serving the citizens as an elected official. Martinez hopes the community is supportive of her new position as the appointed Deputy City Clerk, as she will continue to work hard as a City employee. Continuity in this position is beneficial for the City of Salida. Martinez will proudly display the plaque that was given to her by staff for serving the elected terms in her new office at City Hall in March.

7. Elected Official Reports -

a. Treasurer

Eileen J. Rogers City Treasurer will have updated sales tax report at the next meeting.

b. Mayor –

Mayor Rose noted that we are starting to see frozen water meters again and they are generally in homes that are vacant during the winter and the fall. Public Works will disconnect the water one time for free. He urged all those leaving their homes for a period of time to have friends and families take care of the water for them. If leaving town leave a small but steady stream of water running in the tap to help prevent freezing meters. Public Works Director Vance said that when the temperature starts heating up the frost goes deeper. Mayor Rose directed staff to get this information out to our citizens this summer while our snowbirds are here. He also requested people keep their sidewalks free of snow and ice. Rose hopes to see our code enforcement officer take strong measures in this area.

Mayor Rose thanked Council for the great job they are doing. He noted that staff is doing a great job under the guidance of Administrator Lewis.

c. City Council-

Council Member McCormick noted that Finance Director Schmidt did a great job presenting the budget during the Rotary Club meeting. His fellow Rotarians said they could understand and read the budget under her method.

Administrator Lewis expressed appreciation to City Attorney Hanlon for his guidance to the City on the Medical Marijuana Dispensaries. He is pleased with the direction given while watching other municipalities having Judges come down on them for the strict prohibitions they put in their communities. It is comforting knowing we received great advise from Mr. Hanlon, probably some of the best in the State.

ADJOURNMENT -

A motion was made by Moore to adjourn the meeting at 7:05 p.m. The motion was seconded by Damman. With all in consensus, **THE MOTION CARRIED.**



A handwritten signature in black ink, appearing to read 'Cleo R. King', is written over a horizontal line.

Mayor

A handwritten signature in black ink, appearing to read 'Janella S. Martinez', is written over a horizontal line.

Deputy City Clerk

Respectfully submitted by Janella S. Martinez, Deputy City Clerk