



## REGULAR MEETING OF THE CITY COUNCIL

City Council Chambers  
 448 East 1<sup>st</sup> Street, Room 190  
 City of Salida, Colorado  
 Tuesday, January 02, 2018 6:00 p.m.

*The City Council may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.*

### I. REGULAR MEETING CALLED TO ORDER –

### II. PLEDGE OF ALLEGIANCE – Led by Mayor P.T. Wood

### III. ROLL CALL-Mayor P.T. Wood

**Council member(s) Present:** Harald Kasper, Michael Bowers, Rusty Granzella, P.T. Wood, Cheryl Brown-Kovacic and Justin Critelli.

**Council member(s) Absent:** Dan Shore

**Staff Present:** City Administrator Larry Lorentzen, Finance Director Jodi McClurkin, Deputy City Clerk Lynda Travis, City Clerk Betty Schwitzer, City Treasurer Theresa Cortese and Interim City Attorney Geoff Wilson.

### IV. PRESENTATION

#### a. Envision Chaffee County Presentation (Cindy Williams)

Williams presented on Envision Chaffee County and provided background information.

### V. CITIZEN PARTICIPATION – *Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

Tina Gramann of Salida stated she is the founder of Salida Creativity Lab, an art program for kids and community members. She informed council she has recently requested more information from the City regarding a street closure request for her 2<sup>nd</sup> annual Chinese New Year Parade and Community Celebration event to be held February 16, 2018.

Trevor Davis of Salida stated he is interested in renting out his home only during certain times of the year. He stated he is not interested in pursuing a year-round VRBO but is more interested in pursuing a path that would allow him to use his residence as a short-term rental during local events and other busy times. His goal is to avoid the city during peak times while also offsetting the costs of doing so. Wood directed staff to look further into the matter.

Mark Anderson of Salida submitted his resume for Municipal Judge. He explained to council the

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reasons he is interested in the position and said he would have no conflicts of interest if considered for the position.

## VI. SCHEDULED ITEMS

### 1. Consent Agenda (Lynda Travis)

- a. Approval of Agenda
  - b. Approval of Minutes – December 19, 2017
  - c. 2017 Scout Hut Parking Project Final Settlement Approval
  - d. 2017 Hunt Street Project Final Settlement Approval
- Brown-Kovacic requested the 12.19.2017 minutes include her request for a Highway Overlay Plan.
  - Brown-Kovacic requested clarification regarding the 2017 Hunt Street Project. She asked whether the \$2 Million budgeted covered more than just Hunt Street. Granzella confirmed that the \$2 Million also included Palmer street.

**Kasper made a motion to combine and approve the Consent Agenda with the above listed corrections made to the minutes. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.**

### 2. Resolution 2018-01, Adopting Official Posting Place (Lynda Travis)

Resolution 2018-01, A Resolution of the City Council for the City of Salida, Colorado designating the place for the posting of public notices for City Council meetings and other city business.

Lorentzen discussed the official posting places of public notices for City Council meetings and other city business. He stated that although the meetings are posted on the website this is not an official posting place according to the definition of public places in statute. The official posting places are two listed in Resolution 2018-01 and are the lobby in City Hall at 448 E. 1<sup>st</sup> street and the bulletin board at the C street entrance of the building.

Lorentzen also stated it is best to keep official postings at a minimum in case an emergency meeting needs to be called.

**Critelli made a motion to approve Resolution 2018-01, A Resolution of the City Council for the City of Salida, Colorado designating the place for the posting of public notices for City Council meetings and other city business. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.**

### 3. Discussion regarding correct Procedure for utilizing Interim City Attorney services

Wilson stated a lot of the work he will doing will be with staff prior to council meetings.

He stated any work that he can receive in advance will be helpful by providing ample time to provide thorough responses.

He stated he wants council to be able to focus on questions about policy and not about legalities.

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He discussed his style when responding to legal questions. He said he will provide answers and analysis for those answers. He said he will reconcile same questions coming from different persons in order to streamline responses.

He reminded council that he serves the body as whole and not individual council members. Granzella requested council be informed regarding any matters that might be costly and time consuming. Wilson said he can provide council a briefing on his work projects.

Kasper asked Wilson if he planned on attending every meeting. Wilson responded by providing different options for his availability. He mentioned he could attend all or some of the meetings and/or be available by phone. Wood added that attendance of the attorney might be driven by agenda items.

Kasper asked whether questions would be directed to council or to the mayor. Bowers suggested questions go through the mayor. Brown-Kovacic added that council could anticipate legal questions before meetings and relay the information to the mayor. The mayor agreed.

Council agreed the city attorney would be present at every other meeting.

Wood stated council could contact the attorney directly and that he would respond to all council via an email response.

#### **4. City Clerk and Treasurer Interviews (Larry Lorenzten)**

Lorentzen provided background information regarding the City Clerk and Treasurer positions. He stated no one had submitted interest in either one. He said statute require someone be appointed within 60 days of a vacancy or a special election would need to be held.

Wilson suggested the Deputy City Clerk and Finance Director be appointed to the City Clerk and Treasurer positions, respectively.

Brown-Kovacic asked Wilson if someone expressing interest in the position(s) could be appointed after tonight's appointments. Wilson said yes. He said an appointive placeholder could go to the next regular election regardless of who that appointee is.

**Kasper motioned to appoint Deputy City Clerk Lynda Travis and Finance Director Jodi McClurkin as the City Clerk and the City Treasurer. Brown-Kovacic seconded the motion. In a 4-1 roll call vote the motion passed. Bowers had the dissenting vote.**

#### **5. Ordinance 2018-01, Appointment of Municipal Judge and Municipal Prosecutor (Larry Lorentzen)**

Ordinance 2018-01, An Emergency Ordinance of the City Council of the City of Salida, Colorado appointing the municipal judge and municipal prosecutor and approving an agreement for professional services for both.

Lorentzen stated the municipal judge would need to be appointed before the next court date. He also reminded council they could consider the party who expressed interest in the position

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during Citizen Participation. Kasper asked whether an interim appointment could be utilized so that the new applicant could be considered. Lorentzen said that is something council could do but that there are time constraints due to the upcoming court date in January.

Brown-Kovacic requested a revision to the code that would add term limits and requirements for the municipal prosecutor.

Critelli asked why the requirements listed in the contract were not also listed in the Ordinance. Lorentzen explained the changes were only made to the contract itself and are not binding to the next judge.

**Brown-Kovacic moved to approve Ordinance 2018-01, An Emergency Ordinance of the City Council of the City of Salida, Colorado appointing the municipal judge and municipal prosecutor and approving agreements for professional services setting the public hearing for January 16, 2018 and ordering the ordinance be published in full. Bowers seconded the motion. In a 4-1 roll call vote, THE MOTION CARRIED. Kasper had the dissenting vote.**

6. **Resolution 2018-02, Adopting a Three Mile Plan for the City** (Glen Van Nimwegen)  
Resolution 2018-02, A Resolution of the City Council for the City of Salida, Colorado adopting a three-mile plan for the City.

Van Nimwegen provided background information regarding state statute and a Three Mile Plan.

Van Nimwegen said the resolution states the following two items: 1) The 3-mile plan are those areas identified in the Comprehensive Plan as the Municipal Service Area and the Municipal Planning Area and 2) the area identified as the 3-mile buffer is the 3-mile boundary.

Brown-Kovacic asked whether the Salida Chaffee County Joint Planning Map was last updated in 2010. Van Nimwegen confirmed that the map had not been updated since that time and that there are areas that have been annexed since that time that are not included in the map.

Van Nimwegen then agreed with Brown-Kovacic that bringing back the Regional Planning Commission would be beneficial. Brown-Kovacic then requested planning for parks be included when planning for new annexations.

Discussion continued regarding the Regional Planning Commission and the 3-mile plan including what governmental parties are involved and what municipalities are impacted, respectively.

**Brown-Kovacic motioned to approve Resolution 2018-02, A Resolution of the City Council for the City of Salida, Colorado adopting a Three-Mile Plan for the City and reinstating the Regional Planning Commission. Kasper seconded the motion. With all in favor, THE MOTION CARRIED.**

7. **Administrator/Deputy City Clerk**
- **City Administrator Report – Larry Lorentzen**

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- Lorentzen announced the date of the upcoming Quarterly Intergovernmental Meeting and asked council if they had any items of discussion to add to it. Brown-Kovacic added the Regional Planning Commission and Wood added a meeting with Poncha Springs to discuss the 3-mile buffer area that overlaps between them.
  - Lorentzen announced staff is currently working on the Community Funding Process. Brown-Kovacic suggested a staff committee comprised of the Finance Director, the Recreation Director and 2-3 citizens process the requests and come forth with recommendations. Brown-Kovacic requested we collect financial information from the applicants to see how the award will fit into their entire program.
  - Lorentzen asked whether the transfer issue and marijuana licensing should be added to the next work session. Council was in consensus to have the item on the work session.
  - Lorentzen asked council whether they wanted to provide the service of Christmas tree removals to the community. Council was in consensus to have the service provided.
  - Lorentzen requested Schwitzer and Cortese attend the next meeting so they can be formally recognized for their service to the City.
  - Lorentzen said he is working on a Budget Message to include in the 2018 Budget which will be submitted to the state.
- **Deputy City Clerk Report – Lynda Travis-Open Media update**
    - Open Media presentation given by Steamplant Director, Michael Varnum. He provided background information, answered questions and said if implemented the Open Media videos would live in the Document Library on the City's website.  
**Brown-Kovacic motioned council to proceed with the live stream Open Media proposal. Critelli seconded the motion. With all in favor, THE MOTION CARRIED.**
    - Travis reminded council members to retrieve their mail in City Hall.

## 8. Elected Official Reports

- City Clerk – Betty Schwitzer
- City Treasurer – Theresa Cortese
- City Council- Michael Bowers, Cheryl Brown-Kovacic, Rusty Granzella, Justin Critelli, Dan Shore and Harald Kasper.
  - Bowers expressed concern regarding the fire danger at CR 105.
  - Brown-Kovacic wished everyone a Happy New Year.
- Mayor – P.T. Wood
  - Wood praised the improvements at the Lowry River Park by Lowry Construction.
  - Wood stated Bob Christiansen, from Chaffee County, sent out an RFP for the elevator maintenance of the Touber building.
  - Wood stated Public Works has suggested using more in-house engineering services and that they would be considering pursuing that.
  - Wood stated he plans to be meeting with Union Pacific in the near future.

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- Wood announced he and some other council members and staff will be attending a training in Denver on Monday (01.08.2018) and the meeting has been noticed.
- Wood announced an upcoming seminar being held by Compact of Colorado Communities in the State of Colorado on various environmental issues.
- Wood stated he wants to discuss SBO 5-152-a senate bill limiting municipalities from owning cable telecommunication infrastructure.
- Wood stated he is working with Public Works regarding the ongoing drought. He discussed the challenges and specific work that is being done in this area. He stated the City is also working on a watershed protection plan addressing the potential of a large fire around the City's main source of drinking water.

## VII. NEW BUSINESS

Kasper requested the July 3, 2018 meeting be rescheduled to an earlier date so that he can be in attendance.

Granzella and Brown-Kovacic discussed Vacation Rental By Owners (VRBO). Granzella suggested allowing VRBO for specific dates only. Lorentzen said the matter could be further discussed at a work session but that he foresees licensing and sales tax being a challenge.

Bowers requested a work session on business licenses and expressed his concerns.

## VIII. OLD BUSINESS

Granzella asked if City Administrator evaluations are to be submitted to Deputy City Clerk Travis. Mayor confirmed that was correct.

## IX. EXECUTIVE SESSION

For the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Miller vs. City of Salida.

**Kasper made a motion to go into executive session for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Miller vs. City of Salida. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.**

Schwitzer requested she be included in the Executive Session. Council approved.

Adjourned for Executive Session-7:48 p.m.

## X. REPORT/DISCUSSION

Meeting reconvened on or about 8:25 p.m. Mayor Wood announced who was present for the Executive Session: Critelli, Bowers, Granzella, Mayor Wood, Kasper, Brown-Kovacic, City

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Clerk Schwitzer, Administrator Lorentzen and City Attorney Lee Phillips and Geoff Wilson.

Wood asked council to state any concerns they had regarding the executive session. No concerns were expressed.

Wood stated there is not much that can be discussed at this time but a decision would be made regarding the matter after the council receives additional information. Wilson added Chaffee County District Court has issued a decision on the merits of the case, but the remaining issues have to do with the payment of attorney fees associated with the case.

**XI. ADJOURN - 8:28 p.m.**



*Lynda Inavis*  
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City Clerk/Deputy City Clerk

*P.T. Wood*  
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P.T. Wood, Mayor

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