



MEETING MINUTES OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Wednesday, March 2, 2016 6:00 p.m.

I. REGULAR MEETING CALLED TO ORDER –

II. PLEDGE OF ALLEGIANCE – Led by Mayor Jim LiVecchi

III. ROLL CALL

IV. PRESENTATION

1. Introduction of new Staff Accountant, Renee Thonhoff – Jan Schmidt

Schmidt introduced Renee Thonhoff as the new staff accountant in the finance department and explained that she is a very good fit for the position. Thonhoff also gave a brief introduction and spoke about her background.

2. Introduction of new Firefighter, Andrew Majeski – Doug Bess

Bess introduced Andrew Majeski as the new firefighter. He also explained that that Paul Ottmer was promoted to Shift A Captain and Kathy Rohrich was promoted to Senior Firefighter.

V. 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.*

Jeri Palermo of Chaffee County stated that there is not six month or annual senior memberships available at the Salida Pool. She stated that she tried to address this in December and February. She stated that seniors are treated as adults. She wanted to see it considered in the fees because it is not affordable. She stated that she was taken off the agenda and was told it would be looked at after the March 14th meeting. She thanked the Council.

VI. SCHEDULED ITEMS

1. **Consent Agenda** (Christian Samora)
 - a) Approval of Agenda
 - b) Approval of Minutes: February 16, 2016

Brown motioned to combine and approve the items on the consent agenda. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

2. **Angler's Ridge Annexation Agreement** (Dan Osborn)
Resolution 2016-13 approving an annexation agreement with Anglers Ridge, LLC for the annexation of certain real property into the City

Osborn gave an introduction and provided background information. He continued to state that Brown-

Kovacic provided a revision to the language in the agreement.

Rogers stated that paragraph "K" seems to be redundant to the statements made in paragraph "T". Osborn stated that the two paragraphs are not in conflict of each other.

Bowers motioned to table the annexation agreement until the next City Council Meeting to allow for further legal review. Hallett seconded the motion. In a 4-3 roll call vote, the motion failed. Rogers, Brown-Kovacic, Granzella and LiVecchi had the dissenting votes.

Rogers stated that it is not necessary to delay the agreement.

Hallett stated that she would like to have the opportunity to speak with the new attorney. Bowers was in agreement with Hallett.

Rogers motioned to approve Resolution 2016-13, a resolution of the City Council, City of Salida approving an annexation agreement with Anglers Ridge, LLC for the annexation of certain real property into the City. Brown-Kovacic seconded the motion. In a 4-2 roll call vote, THE MOTION CARRIED. Bowers and Hallett had the dissenting votes.

3. Crestone Avenue Sewer Bid Award (Bob Salmi)

Resolution 2016-18 approving the award of an agreement for the 2016 Crestone sewer replacement project and authorizing the City Administrator to enter into a construction services agreement between the City and Pridemore Construction, Inc

Salmi gave an introduction and provided background information.

Brown asked what the budgetary issues are. MacDonald stated that there would need to be an increase and the net expenditure would be \$238,000 after the \$20,000 that is received from the developer.

Brown stated that the budget law does not allow for the expenditures to be higher than the allocation. MacDonald stated that there is enough allocated until a budget amendment has been made.

Brown asked if there could be a provision requiring that there be an increase in appropriation. Brown stated that the language in the code as written may not allow.

Brown-Kovacic stated that the budget is the best estimate for that year. She suggested that the code may need to be addressed.

Rogers stated that H Street was under-budget. Rogers stated that with the economy the prices are higher. Salmi stated that the contractors are having trouble finding people.

MacDonald stated that they did a cost estimate last year and it was not adjusted for inflation.

Granzella asked if it was out of the wastewater fund. MacDonald stated that it is coming out of the enterprise fund.

Bowers asked if it was to replace it with 8" water line. Salmi stated that it would be.

Rogers motioned to approve Resolution 2016-18, a resolution of the City Council, City of Salida approving the award of an agreement for the 2016 Crestone sewer replacement project and authorizing the City Administrator to enter into a construction services agreement between the City and Pridemore Construction, Inc. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

4. Habitat for Humanity Land Purchase (Dara MacDonald)

Resolution 2016-19 approving the habitat land purchase and authorizing the Mayor to execute closing documents

MacDonald gave an introduction and provided background information.

Granzella asked how long the units at Starbuck are considered and maintained as affordable homes.

Dale Shoemaker stated that the homeowner would sign two notes and habitat would become a partial owner for 20 years.

Granzella asked what would happen if they sell for much more what the owners paid.

Shoemaker stated that the owner would need to pay off all of the notes. He continued that the owner would walk away with some equity and a percentage of in the increase in value.

LiVecchi asked what the percentage is. Shoemaker stated that they have not had a home built for 20 years yet to find out how it would be divided.

Brown-Kovacic motioned to approve Resolution 2016-19, a resolution of the City Council, City of Salida approving the habitat land purchase and authorizing the Mayor to execute closing documents. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.

5. Habitat for Humanity Tap Transfer (Dara MacDonald)

Resolution 2016-21 approving transfer of a water and wastewater tap

Bowers motioned to approve Resolution 2016-21, a resolution of the City Council, City of Salida approving transfer of a water and wastewater tap. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.

6. Habitat for Humanity Fee Waiver (Dara MacDonald)

Resolution 2016-20 waiving development fees for Chaffee County Habitat for Humanity

Bowers motioned to approve Resolution 2016-20, a resolution of the City Council, City of Salida waiving development fees for Chaffee County Habitat for Humanity. Brown seconded the motion. With all in favor, THE MOTION CARRIED.

7. Utility Bill Assistance Program (Jan Schmidt)

Resolution 2016-22 adopting a water and wastewater assistance program policy

Schmidt introduced the agenda item and provided background information.

Schmidt explained the various provisions in the policy.

Rogers motioned to approve Resolution 2016-22, a resolution of the City Council, City of Salida adopting a water and wastewater assistance program policy. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

8. Personnel Manual Changes (Jan Schmidt)

Resolution 2016-23 adopting updates to the 2012 Personnel Manual

Schmidt gave an introduction and provided background information.

Bess stated that fire workers were being paid straight 56 hours. He stated that the hours are per FLSA and the workers will receive mandatory OT if they have scheduled hours. He stated that FLSA sets the hours for the fire as well as the regular work week.

Rogers motioned to approve Resolution 2016-23, a resolution of the City Council, City of Salida adopting updates to the 2012 Personnel Manual. Bowers seconded the motion.

Granzella asked when it would begin. Schmidt stated that it would begin the next pay cycle.

With all in favor, THE MOTION CARRIED.

9. Scout Use Agreement (Dara MacDonald)

Resolution 2016-24 setting forth a facility use agreement with local scout troops for the use of the Salida Scout Hut

MacDonald introduced the item and provided background information.

Rogers asked if the Salida area includes Buena Vista. MacDonald stated that it does.

Granzella asked if the Scouts will be involved in the design. MacDonald stated that there would be dedicated storage and displays for memorabilia.

Two leaders from the Girl Scouts spoke and stated that there are five active troops in Buena Vista.

Granzella motioned to approve Resolution 2016-24, a resolution of the City Council, City of Salida setting forth a facility use agreement with local scout troops for the use of the Salida Scout Hut. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

10. Appointment of City Attorney (Dara MacDonald)

Brown stated that there were some very qualified candidates. He stated that he had to get away from the traditional model of how they have been interacting with the attorney. He stated there is a difference in the hourly rate, but there is also a difference in the approach to providing legal services. He made his choice by who is most personally investing in the City and was in favor of Ben Kahn. He stated that Kahn has the skills, experience and the motivation to find a way to give the City their legal services without charging for legal services that are unnecessary.

Granzella stated that he picked one from each night, Phillips and Kahn. He stated that he tried to see who interacted best and who would best answer questions and was in favor of Kahn.

Bowers stated that he had the same choices as Granzella. Bowers stated that Kahn's primary interest was Salida. He continued to state that he was concerned about the fees, but felt that other factors would compensate for that. He stated that it was really important that there is someone from the Salida area that can represent the City and the City's interests.

Rogers stated that she was impressed with the candidates and she felt Lee Phillips would be the best choice for the job. She continued to state that he had 37 years of municipal experience. Rogers felt that the cost factors would be less than Kahn even if Phillips came to all of the Council Meetings. She stated that it would be difficult for Kahn to start out without any training and he would need to reach out to other attorneys with more experience, which would cost more time.

Brown-Kovacic stated that she wanted to reach something with consensus so that everyone can feel like there is a good fit. She looked back at the criteria and wanted to focus on the experience and the cost. She stated that there is an issue with the experience with municipal law and felt there will be a learning curve. She stated that she was particularly concerned with the fact that someone who has worked in municipal law for years will have knowledge about what to expect. She felt that the experience was a very critical part. She stated that Phillips has a number of landmark cases and has many publications in the area as well as an unsolicited recommendation from a municipal judge. She stated that there is issue in the fees and having access to the attorney. She continued to state that Kahn was charging \$55 more per hour and she was concerned about the access that staff would have to the attorney.

Hallett stated that she really appreciated the number of applications that were received and felt that local representation was a big deal for the public. Hallett continued to state that Phillips and Kahn were the two top choices, but Kahn was the candidate that she favored was Kahn because of his investment in the community.

Brown motioned to direct staff to bring forward a professional services agreement between Benjamin Kahn and the City of Salida. Hallett seconded the motion. In a 4-2 roll call vote, THE MOTION CARRIED. Rogers and Brown-Kovacic were the dissenting votes.

11. First Street Public Parking Lot Lease (Dara MacDonald)

Resolution 2016-25 approving a commercial property lease agreement for the First Street Parking Lot

MacDonald introduced the agenda item and provided background information.

Bowers asked if there was anything in the works for the Union Pacific parking lot. MacDonald stated that the City has not received a response from the Union Pacific leasing agent yet.

Brown asked if the agreement would be retroactive. MacDonald stated that the lease agreement does acknowledge that.

Bowers motioned to approve Resolution 2016-25, a resolution of the City Council, City of Salida approving a commercial property lease agreement for the First Street Parking Lot. Brown seconded the motion. With all in favor, THE MOTION CARRIED.

12. Appointment of Historic Preservation Commission Member (Dan Osborn)

Resolution 2016-26 approving citizen appointments to the Historic Preservation Commission

MacDonald gave an introduction and provided background information.

Rogers motioned to approve Resolution 2016-26, a resolution of the City Council, City of Salida approving citizen appointments to the Historic Preservation Commission. Brown seconded the motion. With all in favor, THE MOTION CARRIED.

Administrator/City Attorney/Deputy City Clerk

- City Administrator Report –Dara MacDonald

MacDonald stated that there is a fee waiver request from the Chamber of Commerce.

Granzella motioned to waive the fee for the use of the SteamPlant on April 13, 2016 for the Chamber of Commerce. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.

- Deputy City Clerk Report – Christian Samora

13. Elected Official Reports

- City Clerk – Betty Schwitzer
- City Treasurer – Theresa Cortese
- City Council- Michael Bowers, Hal Brown , Cheryl Brown-Kovacic, Rusty Granzella, Melodee Hallett and Eileen Rogers.
- Mayor – James LiVecchi

VII. NEW BUSINESS

Brown motioned to remove Walt Harder from the NRCDC Board. Hallett seconded the motion.

Granzella stated that he would like to hear from Walt Harder.

Brown-Kovacic stated that she felt there should have been better communication.

Bowers stated that he had a real problem with it. He stated that there are feelings toward the public and disdain to following the laws. He stated that he agreed with Brown.

Rogers stated that she would like to have more information and would like to hear from Walt Harder.

Hallett stated that her feeling for quite a while has been to look at other aspects to other membership on the Board. She stated that her understanding is that Harder does not live in the City or the County.

MacDonald stated that all of the ditch owners met with CrabTree at that time. She stated that a maintenance agreement proposal has been drafted for the downstream ditch owners. If they are not in agreement, then the culvert would be removed. MacDonald suggested that everyone listen to the video from the NRDC meeting.

LiVecchi asked if Harder can reapply. MacDonald stated that he can reapply.

Rogers stated that this is the first incident related to this. She stated that it was not fair to say that it was intentionally done.

Brown-Kovacic asked when CrabTree met with the owners.

MacDonald stated that they met after the culvert was in place.

In a 4-3 roll call vote, THE MOTION CARRIED. Rogers, Granzella and Brown-Kovacic had the dissenting votes.

VIII. OLD BUSINESS

IX. EXECUTIVE SESSION

Rogers motioned to enter into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e).

AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Multi-use Facility Land Purchase. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

X. REPORT/ACTION –

Brown-Kovacic motioned to proceed with negotiations as discussed in Executive Session. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.

XI. ADJOURN –

Rogers motioned to adjourn. Brown seconded the motion. With all in favor, THE MOTION CARRIED.

[SEAL]

City Clerk



James LiVecchi
Mayor