



MEETING MINUTES OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, June 6, 2017 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. Chaffee County GOCO Grant Presentation – Lisa Martin

Martin explained background on the project. Martin explained that she will be back on June 20, 2017 with more information.

2. A Little Help Service Saturday – Nancy Powers

Powers introduced herself and explained what services A Little Help offers to assist. She continued to explain that June 10th is the first Service Saturday of 2017. She stated that they would love to have City Council there to volunteer. They will be meeting at Thonhoff park at 10:00 a.m. and lunch will be at Chisholm Park.

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.*

Monika Griesenbeck of Salida urged the Council to put the question of the elected City Clerk back on the ballot. She stated that there is an elected City Clerk that had all of the duties taken away and given to a deputy by Ordinance 2009-12. She stated that the Deputy City Clerk has been doing a lot of those duties. She stated that it does not sit well with the trust in the government.

Cooper at 649 Palmer Street he stated that he had been following the Palmer project. He stated that he found out that they are getting curb and gutter and sidewalks. He stated that the entire adjustment to correct the right of way will happen right in front of their house. He stated that he has three construction trailers that sit on Jones Street and the code enforcement officer declared it a fire hazard. He stated that they have three to four vehicles and a boat parked in front and there will only be one parking space if the curb and gutter is added to palmer Street. He stated that he met with Lady and Tracy Vandaveer.

Curtis Schieb of Chaffee County asked if solar would be discussed. He stated that he was involved in the original solar bids for the City. He stated that he was called by the Mayor and a Council member at the time. They came up with a contract that would guarantee that the rate would always be less than Xcel energy. He stated he was at the meeting and the administrator and attorney recommended a different company. He stated that he was awarded a bid and the new council decided to throw away what the old wanted to do. He stated that his point is that every time the right comes to take control or the left, everyone in the middle is forgotten about.

VI. SCHEDULED ITEMS

1. **Consent Agenda** (Christian Samora)
 - a) Approval of Agenda
 - b) Approval of Minutes: May 16, 2017 & May 30, 2017
 - c) Monarch Community Outreach Liquor Permit – June 15, 2017
 - d) FIBARK Event and Liquor Permits – June 14-June 18, 2017
 - e) Elks Lodge Liquor Permit – June 17, 2017
 - f) 2017 T-Ball Field Artificial Turf Project Final Settlement

Brown-Kovacic motioned to combine and approve the items on the Consent Agenda. Bowers seconded the motion.

Granzella noted that Chaffee County committed \$10k to the T-Ball Artificial Turf Project.

With all in favor, THE MOTION CARRIED.

2. **Tenderfoot Bicycle Light Request** (Guy Patterson)

Jerry McCabe presented his proposed addition to the Tenderfoot Mountain light display. He explained that there is not a cost for the lights. He stated that his brother will loan the electronic equipment. For the rebar, he visited Moltz Construction and they had rebar that he can have at no charge.

LiVecchi asked if there was a crew to help with it.

McCabe stated that there would not be more than three people helping.

LiVecchi stated that the feedback he has received is that it shouldn't be overdone.

Hallett suggested a different location.

Granzella asked who owns the Christmas lights.

Granzella and Bowers had concerns about the amount of rebar that would be added to the mountain.

Brown-Kovacic stated that she liked the idea. She felt it would be a neat thing, but felt there was a safety issue.

Brown stated that the Council was addressed in an email from Merrill Bergin. The email stated that the bike would cheapen the work that volunteers have done.

Brown stated that he was in agreement with the letter. He stated that bicycle enthusiasts would love it, but the rest of the City maybe not care for it so much.

Rogers asked if the Salida Business Alliance supported the idea.

McCabe had not contacted them for support.

Hallett stated that she liked the idea, but felt that there could be a different venue that would not be competing with the branding.

Granzella motioned to approve for only the first two bicycle events in Salida. Rogers seconded the motion. In a 4-2 roll call vote, THE MOTION CARRIED. Hallett and Brown had the dissenting votes.

2017 Palmer Street Project Bid Award (David Lady)

Resolution 2017-32 approving the appropriation of funds to fund the Palmer Street Rehabilitation Project and authorizing the City Administrator to enter into a construction services agreement between the City and Pridemore Construction

Lady gave an introduction and provided background information.

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Granzella asked about the Cooper alignment issue. Vandaveer explained that the alignment was made north of Jones Street. Vandaveer stated that the current situation allows for perpendicular parking and the new street would only allow parallel parking.

Hallett asked if there was resolution as to whether Exer-Flex needs to follow through with the Planning Commission.

Rogers motioned to approve Resolution 2017-32, a resolution of the City Council, City of Salida, approving the appropriation of funds to fund the Palmer Street Rehabilitation Project and authorizing the City Administrator to enter into a construction services agreement between the City and Pridemore Construction with the additional alternate bid. Brown-Kovacic seconded the motion.

Bowers asked if Vandaveer spoke with Cooper. Vandaveer explained that he and Lady met with Cooper and discussed various options.

Hallett asked if the drive-over curb will still leave a sidewalk. Vandaveer stated that there will still be a sidewalk. Brown-Kovacic stated that she was in favor of doing the whole street at one time. She felt maybe it could be considered public parking.

Hallett stated that maybe there could still be a sidewalk that continues through.

Bowers asked if the Exer Flex parking lot is in question. Bowers asked if it is curbed, would it be removing all of the parking at the gym and at the Seasons building. Vandaveer stated that the sidewalk will end at Jones.

Bowers stated that ordinance is very specific that you cannot park on the sidewalk.

Brown clarified that the resolution would require a budget amendment to reallocate funds. He stated that in the past there has been public hearings. Patterson clarified that it is all within the same fund and is not spending more money.

With all in favor, THE MOTION CARRIED.

Peternell Sewer Tap Transfer Request (Guy Patterson)

Resolution 2017-33 providing for the exchange of sewer taps for water taps at 7251 County Road 105

Patterson gave an introduction and provided background information.

Peternell explained that the details of the request are in the letter in the Council packet.

Peternell stated that he felt there was precedent that this had been done before. Peternell stated that the 505 Illinois request included both water and sewer taps. Peternell distributed a copy of the 505 Illinois tap credit request.

Peternell stated that the previous owners and he have paid substantial fees for the sewer taps. He stated that they are not using any of the sewer taps and have been paying over \$600 per month. He continued to state that they are providing affordable housing and they would be willing to commit to maintaining that affordable housing for a certain period of time.

Rogers clarified that the property is zones R4 and felt that it was a loss of potential land for affordable housing.

Hallett asked if other property owners will be responsible for the cost sharing.

Brown-Kovacic asked specifically what was approved for the 505 Illinois Request. Patterson stated that the City Council provided a credit for the downsizing of the water tap and the sewer taps were subsequently

downsized.

Granzella asked where the water comes from for the mobile home park. Peternell stated that there is a spring water right.

Granzella motioned to table the issue to the next meeting. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

Peternell asked if he needed to bring additional information. Granzella stated that he will be talking with Patterson and will be getting back with him.

2017 Pay Plan Amendment (Guy Patterson)

Resolution 2017-34 amending the 2017 Employee Pay Plan to include the position of GIS Technician and Human Resources

Patterson gave an introduction and provided background information.

Rogers motioned to approve Resolution 2017-34, a resolution of the City Council, City of Salida amending the 2017 Employee Pay Plan to include the position of GIS Technician and Human Resources. Brown-Kovacic seconded the motion.

Brown-Kovacic stated that the GIS position has been very important.

With all in favor, THE MOTION CARRIED.

3. Butler Snow Professional Services Agreement (Guy Patterson)

Resolution 2017-35 approving a professional services agreement with Butler Snow, LLP to provide legal counsel regarding ta “De-Brucing” election ballot questions and other general TABOR compliance questions

Patterson gave an introduction and provided background information. He explained that this issue first came up when the interim City Administrator identified the issue.

Bowers and Brown were in agreement to wait on the approval for additional information. Brown would like to see more specific language. Brown stated that whether the City owes money back to the citizens needs to be identified.

Granzella was in agreement that Lee Phillips would be capable and to get an estimate from Dee Wiser.

Rogers motioned to approve Resolution 2017-35, a resolution of the City Council, City of Salida approving a professional services agreement with Butler Snow, LLP to provide legal counsel regarding ta “De-Brucing” election ballot questions and other general TABOR compliance questions. Granzella seconded the motion.

Hallett felt it was premature.

Rogers stated that the longer they wait, it will become more difficult.

Brown stated that he did not hear the caveat that the Council would get an estimated amount. He felt it would be imprudent and irresponsible to approve with having an estimated cost. Brown suggested that it be continued until there can be an estimated about.

Bowers was in agreement with Brown.

Rogers stated that her problem is that if the number is too high, who will they choose.

Hallett stated that they should not be assuming they are the only ones to do it.

Brown-Kovacic stated that in the previous work they had done, it was fairly reasonable.

Granzella asked if two weeks to get an estimate be okay.

Brown suggested that there are four who would like more information and if Rogers could withdrawal and the item could be continued for two weeks.

Rogers changed her motion to continue the item for two weeks to allow time to obtain an estimate. Granzella agreed to the change. In a 4-2 roll call vote, THE MOTION CARRIED. Hallett and Rogers had the dissenting votes.

4. Short Term Rental Application Term (Guy Patterson)

Ordinance 2017-18 amending Article VI of Chapter 6 of the Salida Municipal Code regarding the term of short-term rentals business license

Patterson gave an introduction and provided background information

Rogers if it would be easier to have them all at the same time or have them throughout the year. Patterson stated that it would be easier for them to all be at the same time.

Brown motioned to approve Ordinance 2017-18, an ordinance of the City Council, City of Salida amending Article VI of Chapter 6 of the Salida Municipal Code regarding the term of short-term rentals business license. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

5. Administrator/Deputy City Clerk

- City Administrator Report –Guy Patterson
Patterson suggested a moratorium on the patio policy.
Brown-Kovacic stated that SBA brought up the idea of a moratorium.
The Gold Safety Award from the water works association was awarded to the City of Salida.
The Council was not in favor of revisiting the Marijuana Licensing issue.
- Deputy City Clerk Report – Christian Samora
Samora asked for direction on the July meeting schedule. The Council was in favor of cancelling the July 3, 2017 Work Session and scheduling the regular meeting for July 5, 2017.

6. 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.

Council Member Rogers stated the following:

As council members and most staff know, I have been studying the entire collection of attorney invoices and detailed summaries going back to January 1st, 2015. The detailed summaries explain what the attorneys were actually doing as well as listing the date, time spent and related charges for each activity. Karl Hanlon's 15 months of documents were printed and available. Ben Kahn's 14 months of documents (thru April) were emailed to our Mayor and had not been read nor organized into an accessible filing system, neither electronic nor paper. The organization of the Conundrum documents has been a tedious process for Jim, Christian and me, but I insisted, that to be completely transparent, those documents must be preserved and easily accessible. At present 18 documents still have not been located nor placed in the newly created electronic system. Thus my work is not quite finished.

According to Colorado state statute CRS 31-4-101 paragraph (2) it is the fiduciary responsibility of each Salida elected official, as a member of our city council, to assist in the management and control

of Salida's city finances. Tonight I am obligated, for the sake of transparency, to report that the city attorney costs took an unusual leap in February. It was not until the last week of April that the March "Accounts Receivable Report" document was made available to me. The contents provided my first clue that we might have a problem. And it was mid-May before I was given access to read the related detailed summary.

Listed first in the March 2017 Accounts Receivable Report, was an item titled #173 -- City Administrator and given "past due" status. The \$27,865.86 price tag immediately caught my attention. Our attorney bundled eleven months of bills, going back to April 2016 -- yes, including April, May, June, July,December 2016 and January and February 2017 into a single item -- what the Conundrum Group calls a "matter." This "matter" was included in an extra February invoice dated February 14th. Although I have requested a copy of that invoice from the mayor, at least twice, he has yet to provide that document.

When the March Accounts Receivable Report was given to me on April 25th, I was shocked. That month's total exceeded \$50,000. So today, through April, 2017, after 14 months of employment, our current attorney has been paid \$338,622.71. That's an average of more than \$24K per month. And we must not forget that additional attorney costs are accumulating as we continue retaining attorneys to assist the Conundrum Group.

From my perspective, we have an immediate problem. This bundled bill includes work completed during two different fiscal years. In the extra February invoice, item #173 -- City Administrator, over \$25,000 worth of work was listed as generated in 2016. That \$25,000+ was not included in the completed 2016 budget and will not be contained in our 2016 audit.

How we, every member of Salida's City Council, rectify this problem is our responsibility and should be investigated and solved quickly. This situation certainly indicates that we need to deal with an ethics issue. In no way should it be swept under the proverbial rug.

Hallett stated that she received several letters on the back flow preventers. She asked what the policy is and how it's being treated.

Granzella stated that the T-Ball fields are open and there will be an opening ceremony on Thursday at 5:45 P.M.

Brown-Kovacic stated that a project called Communities that Care is based on the community youth survey that is done in the county.

Bowers stated that the Lowry Trail dedication has been well received.

VII. NEW BUSINESS

Hallett stated that she thought maybe there could be something on the agenda to waive park rental fees under certain circumstances. There was consensus to have the item on a future work session.

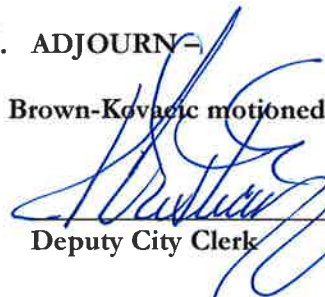
VIII. OLD BUSINESS

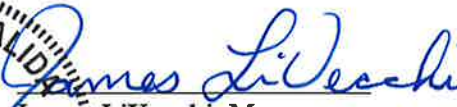
Brown-Kovacic asked about the recycling. There will be a meeting on the 9th to discuss the issue.

IX. ADJOURN

Brown-Kovacic motioned to adjourn. Rogers seconded the motion.

[SEAL]


Deputy City Clerk


James LiVecchi, Mayor

