



MEETING OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, November 7, 2017 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 Jim LiVecchi

III. ROLL CALL

All members of City Council and staff were present except for Treasurer Theresa Cortese.

IV. PRESENTATION

a) 2016 Audited Financial Statement Presentation (including final TABOR calculations)

City Administrator Larry Lorentzen presented the Financial Statements that were presented by Auditor Dan Cudahy at the previous meeting. He stated the only changes made to the statements were the TABOR calculation and final TABOR liability number of \$84,101.

Brown-Kovacic asked what was meant by the document stating, “the interpretation to calculate will require judicial interpretation.” Lorentzen stated that there are many items under TABOR that have never been tried in court. He stated that DeeWisor has given the City legal opinions on certain items but those items have never been interpreted in a court of law. Rogers asked the purpose of the statement being included in the document. Lorentzen answered that it is for liability purposes. Brown-Kovacic asked if the City has a time limit to get into compliance. Lorentzen said the only time limit would be if someone sued within the next year, prior to the Council coming to a decision regarding liability and how it will be refunded. He further stated that there are statutes of limitations allowing persons to sue for a certain number of years for improper interpretation.

Brown mentioned that Council only went back to the year 2013 for calculations to avoid liability due to statute of limitations expiring. He added that the enforcement mechanism is the filing of a lawsuit by a person within 4 years of the alleged violation. He reminded Council that DeeWisor was hired for his expertise on TABOR.

Lorentzen reminded Council the acceptance of the Financial statements was part of the Consent Agenda.

b) Audit Committee Report

Brown said he did not have an Audit Committee report to present due to difficulties faced with audit preparation and further stated the next Council will need to continue with Audit Committee activities. He also said the ordinance requires an annual formal written report.

Granzella asked Brown's opinion of the auditors. Brown said he was pleased with the auditors and mentioned that they had done a large amount of work including locating documentation and contacting Hanlon & Associates for additional information. He then reminded Council the City had received a clean audit in all areas but the NRCDC. He explained the NRCDC was a component unit in 2016 that had to be included in the financial statements and that auditors were unsuccessful at obtaining documentation since the City divested itself from the corporation. He said that was the only place the auditors could not issue an unqualified opinion. But he said auditors did not consider it to be a material deficiency due to the amount of money in the fund. He concluded by saying the City received a clean audit.

Brown-Kovacic suggested that in the future the TABOR liability number should not be released until it is known for certain. She said it was disconcerting and something that should be considered in the future.

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.*

Robin NeJame of Salida thanked Council for their service. She then discussed the Boards and Commissions interview process. She told Council they should not feel limited by the applications they are receiving and if they are feeling uneasy about them then they should "go back to the drawing board." She then discussed ethics. She said if there are any financial ties to any of the applicants that Council should consider how it looks to the community. She then stated that if any councilmember has financial ties to an applicant they should recuse themselves. She said she feels the same even if it is the new council that makes the hiring decision and thanked council for their service.

Sally Kriebel of Salida thanked Eileen Rogers for her years of service and for her persistence. She left flowers and a card on the sign in table.

VI. SCHEDULED ITEMS

1. Consent Agenda (Larry Lorentzen)

- c) Approval of Agenda
- d) Approval of Meeting Minutes – October 17, 2017
- e) Salida Business Alliance-Light Up Salida Holiday Parade-Nov. 24, 2017
- f) Salida Elk's Lodge #808 Special Event Permit Request
- g) Acceptance of the 2016 Audit

Granzella motioned to approve the Consent Agenda with the removal of item (e). Brown seconded the motion. With all in favor, THE MOTION CARRIED.

Regarding Item (e), Bowers made a motion to approve with beginning of clearing the streets at noon for the November 24, 2017 Salida Holiday Parade. Rogers seconded the motion. With all in favor, THE MOTION CARRIED.

2. Citizen Appointments to the Planning Commission (Glen Van Nimwegen)
Resolution 2017-63 Approving Citizen Appointments to the Planning Commission

Community Development Director, Glen Van Nimwegen, provided background information regarding the interview process. He stated interviewees Sandra Farrell and Joe Judd were potential choices in addition to alternate member Francie Bomer. Council asked how Francie Bomer might be impacted if not chosen as a full member. Nimwegen explained that she would retain her position as an alternate member.

Granzella then inquired regarding Bomer's attendance with the Planning Commission meetings. Nimwegen confirmed Bomer has been in attendance for all meetings since her appointment in June 2016.

Bowers made a motion to approve Sandra Farrell as an alternate and Francie Bomer as a regular member. The motion died for lack of a second.

Brown-Kovacic recognized both applicants for their accomplishments. She stated Francie Bomer has had perfect attendance and has contributed in joint meetings; she said she would like to see her advance in her position. She stated new Council making the appointments would be most appropriate since they will be the ones working with the Planning Commission. She concluded by saying both applicants would have something of value to contribute, she does not know either candidate personally and suggested there may be some awkwardness if the Mayor had to break the tie. Her solution was to pass the decision on to the next council. Hallett disagreed. She said a decision should be made tonight. She also expressed concern regarding the number of contractors and developers on the commission. She suggested Bomer remain an alternate and Sandra be appointed to full member. She concluded by requesting a review of the whole commission soon.

Bowers said tonight's election might impact the Planning Commission by creating additional vacancies. Nimwegen confirmed what Bowers stated. Bowers then stated if the current Planning Commission members were voted into Council then that might create a conflict of interest when voting in the new Planning Commission members. Rogers suggested the two alternates could fill the vacancies if they occurred and reminded Council that during the month of November the candidates would still be Commissioners until they took the oath of office.

Hallett made a motion to appoint Sandra Farrell to a full member on the Planning Commission. Bowers seconded the motion.

Granzella said he thinks both applicants have housing as a priority, but that Joe Judd is better equipped to solve the current housing problems. Brown-Kovacic said Salida is at a critical point with the housing situation, reminded Council there is only one developer and one builder on the Planning Commission and that Judd would be better at assisting with the needed changes to the code.

Mayor reminded Council of the motion on the table to appoint Sandra Farrell to a full member on the Planning Commission. In a 4-3 roll call vote, THE MOTION CARRIED. Brown-Kovacic, Rogers, and Granzella had the dissenting vote.

Brown-Kovacic asked the Mayor if there was a conflict of interest created by him breaking the tie. Rogers said the Mayor should have recused himself. Discussion concluded after Brown called a point of order.

3. Citizen Appointments to the Historic Preservation Commission (Glen Van Nimwegen)
Resolution 2017-64 Approving Citizen Appointments to the Historic Preservation Commission

Nimwegen reminds Council they interviewed Patrick Regan for one alternate position on the Historic Preservation Commission.

Granzella moved to approve Resolution 2017-64 Approving Citizen Appointment of Patrick Regan to the Historic Preservation Commission. Brown seconded the motion. With all in favor, THE MOTION CARRIED.

4. Administrator/Deputy City Clerk

- City Administrator Report – Larry Lorentzen
Lorentzen announced a new Finance Director, Jodi McClurkin, will start November 13, 2017. He provided background information including her credentials and municipal experience.

Lorentzen stated it is the City's turn to host the quarterly Intergovernmental Agreement. No specific date was established for the event with further discussion to follow at a later date.

Lorentzen stated appointments needed to be advertised for the office of Treasurer and Clerk since no one ran for either one. Hallett said this would be a good time to reevaluate the elected positions for their intended purposes. Lorentzen said this could only be done at a Regular or a Special election. Granzella asked if the City Clerk could be combined with the Treasurer position. Roger said it would be illegal. She reminded Council she used to be Treasurer and that the vote of the people would be required to combine the positions legally. Lorentzen said someone would need to be appointed 60 days from the date the office becomes open (November 21, 2017).

- Deputy City Clerk – Lynda Travis

5. 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 – Jim LiVecchi

Bowers thanked Deputy City Clerk, Lynda Travis, for assisting all the Council this week while the emails were not functioning.

Rogers read a prepared statement:

After eight years of working for the city, I have a lot to be grateful for. This position has allowed me the unique privilege of getting to know and work with members of generation X and the millennials living in our community. You are Salida's future. I have confidence that you are willing to take on the many challenges lying ahead with enthusiasm and courage. You — young people — are ready to take up the torch, to lead this community wisely — with an inclusive vision.

I want to recognize the members of the city staff— our dedicated workers we are so fortunate to have here in Salida. Without you, this city would not — could not function at the level it does. A huge shout out of thanks to each one of OUR city employees — for your unheralded dedication to the important duties, large and small, that make living in Salida so special.

Also, I want to recognize Salida's citizens, both those living within the city boundaries and those who live in rural Chaffee County — and especially those citizens living in the three-mile circle surrounding our city. Together, Salida's citizens' dedicated service to Salida is huge — your daily contributions, large and small, your commitment to and support of our economy, the thousands of volunteer hours that you donate — YOU, ALL OUR citizens, have made Salida what it is today. Thank you for allowing me to work on your behalf.

And, I want to thank ALL the elected officials with whom I have worked these past eight years. Your commitment of time, talent and treasurer has been generous. The learning curve has been vertical for all of us. Our challenges have come in all sizes, tiny and gargantuan. Your commitment to public service is appreciated and to be commended. Thanks — everyone.

VII. NEW BUSINESS

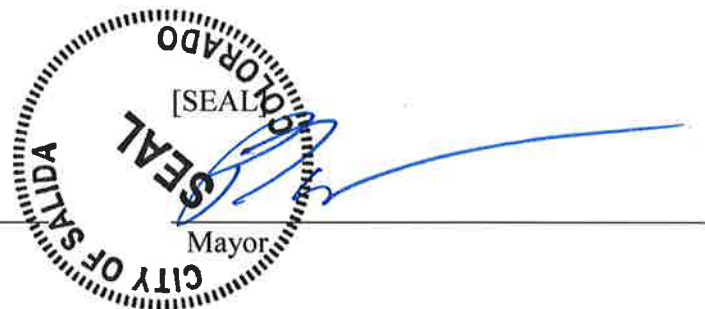
VIII. OLD BUSINESS

Rogers provides a final update related to the research she has been doing on attorney costs. She stated that more of the invoices and detailed summaries are now included in the mayor's master file although a few need to be moved to agree with the related monthly accounts receivable reports. Less than a dozen invoices continue to be incomplete. She stated she will be working with City Administrator and the Finance Director to ensure accounting and audit accuracy. She also recommended electronic copies of accounts receivable reports due monthly, public report of the attorney's previous month's work be presented at the second regular meeting of each month, audit committee members and City Administrator read all invoices and detailed summaries to ensure work done aligns with the Salida's needs, goals and intentions.

IX. ADJOURN

The meeting adjourned at 6:57 P.M.


City Clerk


Mayor

