



MEETING MINUTES OF THE CITY COUNCIL
City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, May 20, 2014 7:00 p.m.

I. REGULAR MEETING CALLED TO ORDER

II. PLEDGE OF ALLEGIANCE – Led by Mayor Jim Dickson

III. ROLL CALL

Present at roll call were Mayor Jim Dickson and Council members Mike Bowers, Hal Brown, Keith Baker, Tom Yerkey, Eileen Rogers, and Melodee Hallett. Also present were City Treasurer Cheryl Brown-Kovacic, City Clerk Betty Schwitzer, City Administrator Dara MacDonald, City Attorney Karl Hanlon and Deputy City Clerk Audrey Gilpin.

IV. CITIZEN PARTICIPATION – 3 minute time limit. *Citizen participation is for items not on the agenda or for items that are not public hearings.*

Vicki Sue Vigil of 938 F Street, Salida asked about procedures for sidewalk replacements. Vigil asked if damage from removal be repaired.

Christopher Burke of Paonia, Colorado asked Council to reference a memo provided through Audrey Gilpin. He requested Council to increase the amount of retail marijuana businesses by one retail store business license and one retail grow license.

Melodee Hallett said she is confused as to what was approved.

Suzanne Dennis of Salida said she received an e-mail from city administrator that the H Street project would be cut short based on what the project scope originally was.

MacDonald answered several of Dennis's questions.

Ray Kitson of Chaffee County said there were over 60 people at the previous City Council meeting who spoke in favor of MacDonald. He said he would like Council to revisit that in their head. He said he has worked with many city administrators, and he said MacDonald is certainly one of the best and is just in the beginning of her career.

Jim Miller of Salida said he is here to correct mistake of not supporting MacDonald as administrator upon her first hiring. He said over time MacDonald has proven herself and never repeated her mistakes. He said she has a lot of support in the community.

Monika Griesenbeck of Salida said she respectfully suggests Hanlon not be present during the executive session because it is not clear who he represents, MacDonald or City Council. She said she doesn't remember the \$40,000 Ira Curry referred to at the last council meeting. She referenced Curry

personally.

Kathy Shohan of Salida said she doesn't think an attorney should be present during the executive session.

Jan Sebastian of Salida said he would like to address Kitson's inability to count. He said MacDonald is the most disliked administrator the City has had and the most unpopular. He said MacDonald is only a hand maiden to Council.

Shawn Gillis of Salida said he first met city planner MacDonald when they were volunteering side by side building trails. He said MacDonald is looking out for the City's best interest. He said he attends many meetings. He said she is approachable and has common sense.

V. PRESENTATION

1. 2013 Audit – Lyman Hamblin, CPA with Hamblin and Associates

Lyman Hamblin presented the audit findings.

Brown referenced primary users of audit, and he asked if more effort could be made to make it more user friendly for the average citizen.

Hamblin said many parts of the audit are prescribed by standards.

Brown referenced Note 1 on page 11. He said in 2011 there was a different statement there. He is wondering what the rationale was not to include the NRC in City financials.

Hamblin said the Gatsby standard Brown was referencing was updated in 2012; thus, the standard changed.

Brown asked about Enterprise Funds and Tabor in Note 8 of page 29 and Note 11, page 46.

Hamblin and Hanlon answered several questions.

VI. NEW BUSINESS

Hallett motioned to postpone discussion of administrator review until the City has outside legal counsel. Brown seconded the motion.

Brown said it is at the end of a long agenda, and he said the gravity of this discussion should not take place when Council is brain dead.

Yerkey said Council had this on the agenda two weeks ago, and he thinks Council is making a mountain out of a mole hill. He said Council is going to evaluate the City Administrator and move on. He said he would like to have the city attorney in the room.

Bowers said it might be wise to seek advice of outside counsel, and he said it is nothing personal against Hanlon.

Hanlon said he is not planning on being there tonight. He said he represents the entity.

Baker said we have seven intelligent people here who are able to make decisions.

The Mayor called the vote. Bowers, Brown, and Hallett voted yes. Baker, Yerkey and Rogers voted no. Mayor Dickson broke the tie with a no vote, thus THE MOTION

FAILED.

Brown said he feels we should reschedule the NRCDC meeting. He referenced a June 16th deadline.

Yerkey said there are positive things happening with the NRCDC. He said he recommends Council not schedule that meeting, and that Yerkey and Baker be placed into those open positions.

Hanlon said under the current resolution, Yerkey and Baker would not be voting members on Council on any NRC matters.

Hallett said she finds this highly irregular and a conflict of interest.

Discussion continued.

Rogers suggested Monday, June 2, 2014 for a work session regarding the NRC and to have an agenda item for June 3, 2014 to address appointment on board.

Brown said he would like to schedule a work session on how to set the agenda. He said those priorities should be set by the Council, and he suggested the June 16th work session.

VII. SCHEDULED ITEMS

1. Consent Agenda (Audrey Gilpin)

- Approval of Agenda
- Approval of Minutes: May 6, 2014

Yerkey motioned to combine and approve the consent agenda. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

2. Revisions to Chapter 13 of Salida Municipal Code 2nd Reading and Public Hearing (Jan Schmidt)

Ordinance 2014-11 amending Chapter 13 of the Salida Municipal Code.

Schmidt referenced a memo provided in the city council packet for the record.

Dickson opened the public hearing.

Deb York said the sewer tap is hefty at \$7,000. She asked the difference between residential and commercial.

Schmidt addressed York's question.

Dickson closed the public hearing.

Yerkey motioned to adopt Ordinance 2014-11, an ordinance of the City Council of the City of Salida, Colorado, amending Chapter 13 of the Salida Municipal Code and ordering the ordinance be published by title only. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

3. Amigo.net Lease 2nd Reading and Public Hearing (Dara MacDonald)

Ordinance 2014-12 approving the Tenderfoot II Communication Site lease with Zero Error Networks, LLC dba Amigo.net, LLC.

MacDonald referenced a memo provided in the city council packet for the record.

Dickson opened public hearing.

No one spoke.

Dickson closed the public hearing.

Baker motioned. Brown.

Baker motioned to approve Ordinance 2014-12, an ordinance of the City Council of the City

of Salida, Colorado, approving the Tenderfoot II Communication site lease with AMIGO.NET, LLC and ordering the ordinance published by title only. Brown seconded the motion. With all in consensus, **THE MOTION CARRIED.**

4. Chapter 18 Sprinkler Code Text Amendment to the IBC and IFC 2nd Reading and Public Hearing

(Dan Swallow)

Swallow referenced a memo provided in the city council packet for the record.

Dickson opened the public hearing.

David Schwartz of Salida said this amendment will bring the code more in line with reality.

Barry Thomas, co-owner of the Sherman, echoed the sentiment of Schwartz.

Dickson closed the public hearing.

Baker made a motion to approve Ordinance 2014-13, an ordinance of the City Council of the City of Salida, Colorado, amending sections 18-1-30 and 18-3-30 of the Salida Municipal Code regarding amendments to the requirements for fire sprinklers and ordering the ordinance published by title only. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

5. Hilltop Broadband Tower Lease 2nd Reading and Public Hearing (Dara MacDonald)
Ordinance 2014-14 approving Tenderfoot Communication Site lease with Smiling J, LLC dba Hilltop Broadband, LLC.

MacDonald referenced a memo provided in the city council packet for the record.

Baker motioned to approve Ordinance 2014-14, an ordinance of the City Council of the City of Salida, Colorado, approving the Tenderfoot Communication site lease with Hilltop Broadband, LLC, and ordering the ordinance published by title only. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

6. Rotary Club of Salida, Inc. Property and Fee Waiver Request (Audrey Gilpin)

Gilpin referenced a memo provided in the city council packet for the record.

Yerkey made a motion to approve the Rotary Club of Salida's Fee Waiver Request. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

7. Farmer's Market Property and Fee Waiver Request (Audrey Gilpin)

Gilpin referenced a memo provided in the city council packet for the record.

Stone thanked staff.

Brown motioned to charge the Food Shed Alliance a half day rate and waive the restroom fee. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

8. Habitat for Humanity Additional Fee Waiver Request for Sewer and Water Tapping Service Fees (Dara MacDonald)

MacDonald referenced the fee waiver request.

Yerkey suggested having them come back in during the budget cycle for next year.

Brown motioned to deny the request at this time and encourage Habitat for Humanity to come back during the budget cycle. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

9. Revisions to Pay Plan 1st Reading (Jan Schmidt)

Ordinance 2014-14 amending the 2014 pay plan policy.

Schmidt referenced a memo provided in the city council packet for the record.

Brown said the intent of this ordinance was to only approve those items that were in the compensation package for open enrollment for health insurance. Brown referenced an e-mail he sent to City staff and Council.

Yerkey made a motion to adopt Ordinance 2014-15, an ordinance of the City Council of the City of Salida, Colorado amending the 2014 pay plan policy encompassing compensation policies and salary ranges, setting a public hearing for June 3, 2014 and ordering the ordinance be published in full. Baker seconded the motion. Baker, Yerkey and Rogers voted yes. Brown, Hallett and Bowers voted no. Mayor Dickson broke the tie with a yes vote, thus THE MOTION CARRIED.

10. Adopting the Revised Personnel Manual (Jan Schmidt)

Resolution 2014-36 adopting the revised personnel manual for the City of Salida.

Schmidt referenced a memo in the city council packet for the record.

Brown said he appreciates how Schmidt presented this item with red lines.

Brown motioned to approve Resolution 2014-36, a resolution of the City Council of the City of Salida, Colorado, adopting the revised personnel manual for the City of Salida. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

11. Historic Preservation Commission Appointment (Dara MacDonald)

Resolution 2014-37 approving a citizen appointment to the Historic Preservation Commission.

MacDonald referenced a memo provided in the city council packet for the record.

Brown said Council discussed expanding the board to create more seats at the work session.

Yerkey motioned to approve Resolution 2014-37, a resolution of the City Council for the City of Salida, Colorado, approving the appointment of a Steve Harris to the Historic Preservation Commission. Baker seconded the motion. Baker, Yerkey and Rogers voted yes. Brown, Bowers and Hallett voted no. Mayor Dickson broke the tie with a yes vote, thus THE MOTION CARRIED.

Bowers said he would like to see the commission increase in size.

Baker said it has functioned well as is.

MacDonald said it was a 7 member board initially, but because there wasn't enough interest or qualified members, the City reduce the number to 5.

Brown motioned to modify the Historic Preservation Commission size and for an ordinance to be placed on a future agenda with the intent to provide flexibility. Bowers seconded the motion. In a 4-2 vote, THE MOTION CARRIED. Yerkey and Baker had the dissenting votes.

Deb York of Salida said during her interview at the work session she was asked by Tom Yerkey what her relationship with Tom Pokorny is like.

12. Adopting Rules of Decorum and Code of Conduct and Ethics (Audrey Gilpin)

Resolution 2014-31 adopting the Rules of Decorum and Code of Conduct and Ethics.

Yerkey, Bowers and Brown said they would like to table this item indefinitely.

Rogers referenced the CIRSA handbook.

Yerkey motioned to table Resolution 2014-31 indefinitely. Bowers seconded the motion.

In a 4-2 vote, THE MOTION CARRIED. Rogers and Baker had the dissenting votes.

13. City Administrator Contract

Resolution 2014-38 amending the Administrator's employment agreement.

Hanlon referenced an error in the city administrator contract, and he said this resolution is to correct it. Brown asked what would be the procedure if Council did have direction to change specifics to MacDonald's contract.

Yerkey motioned to approve the amended to the Administrator's employment agreement. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED. Bowers was not present for the vote.

14. Administrator/City Attorney/Deputy City Clerk

a. City Administrator Report – Dara MacDonald

MacDonald referenced a memo regarding water case No. 06CW120 and asked for Council direction.

Baker made a motion to stipulate. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED. Bowers was not present for the vote.

MacDonald asked Council for direction to pursue federal Enhancement Grant funding for U.S. Hwy 50. Council gave direction to pursue funding.

MacDonald asked Council if money left over from playground master plan could be used to explore alternative sites for recycling center. Council gave direction to pursue.

MacDonald referenced an anonymous piece of mail with money inside that was delivered to City Hall. She said if the money is someone's to come forward to claim the money. She said after a year, if no one comes to claim the money, then it will be turned over to the state.

MacDonald asked if anyone attending the CML Conference would like to serve on the CML Executive Committee. Hallett said no.

MacDonald said the City will know for certain if it has received the GOCO Pass to Parks grant by June 15th. She said the application has passed through the local government committee.

MacDonald said the City offered the position of Community Development Director to Dan Osborn from Los Alamos, N.M. and will be starting June 9th.

MacDonald referenced an excess capacity master contract and EIS that has been approved for additional storage. She said the Bureau of Reclamation needs a conservation plan.

b. City Attorney Report – Karp, Neu, Hanlon, PC

c. Deputy City Clerk Report – Audrey Gilpin

Gilpin said if the City plans to have a question on the ballot for the November 4th election, then Joyce Reno needs written notification by July 31st.

15. Elected Official Reports

- City Treasurer – Cheryl Brown-Kovacic

Brown-Kovacic gave a positive sales tax report that is in the city council packet for the record.

- City Clerk – Betty Schwitzer

- Mayor – Jim Dickson

- City Council- Keith Baker, Michael Bowers, Melodee Hallett, Eileen Rogers, Hal Brown and Tom Yerkey.

Rogers referenced a Chaffee County Housing Roundtable event that she attended and said they roundtable is exploring whether a Regional Housing Authority is a good fit for Chaffee County.

Rogers motioned to go into executive session at 9:10 p.m. Yerkey seconded.

Brown said he still feels that Council would all be better served if this review was held earlier in the

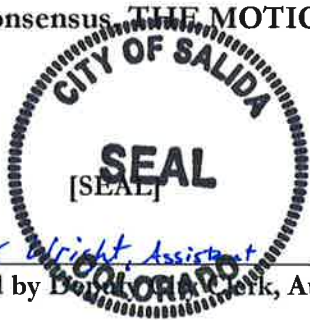
evening and on another day..

Rogers motioned to go into executive session at 9:10 p.m. for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f)(I) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: 1) To discuss City Administrator Dara MacDonald's annual review. Yerkey seconded the motion.

Mayor Dickson called for a roll call vote. In a 3-3 vote, the MOTION FAILED. Baker, Yerkey and Rogers voted yes. Bowers, Hallett and Brown voted no.

Brown motioned to schedule a special meeting May 28, 2014 at 6:00 p.m. for an executive session to discuss the city administrator's annual review. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

Brown motioned to adjourn at 9:18 p.m. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.



Mayor

Heather Wright, Assistant
Submitted by *Dara MacDonald*, Clerk, Audrey Gilpin