



**MINUTES OF THE CITY COUNCIL**  
City Council Chambers  
448 East 1<sup>st</sup> Street, Room 190  
City of Salida, Colorado  
Tuesday, December 17, 2013 6:00 p.m.

**I. 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, Tom Yerkey, Eileen Rogers, Keith Baker and Melodee Hallett. Also present were City Treasurer Cheryl Brown-Kovacic, City Administrator Dara MacDonald, City Attorney Karl Hanlon and Deputy City Clerk Audrey Gilpin.

Absent was City Clerk Betty Schwitzer.

**IV. CITIZEN PARTICIPATION** – 3 minute time limit

Vern Davis of Salida said after citizen participation questions are asked and questions aren't answered. He said he'd like to see questions answered.

Monika Griesenbeck of Salida said she is not aware of any other municipality that offers a groover cleaner service. She said the rafters should subsidize the cost of installing it.

Jeff Auxier of Salida said for MacDonald to rent her accessory dwelling unit to the city attorney is unethical. He said he has asked for the lease agreement between MacDonald and Hanlon and has not received it.

Hanlon said the information is not public.

Auxier said Hanlon should respond.

Hanlon said he answers to city council not the city administrator.

Billy Carlisle of Salida said Hanlon has outbursts often and referenced Ms. Marks. He said he thinks Hanlon brings on lawsuits. He also said water and sewer rates are unfair to those on fixed incomes.

Bill Hudson of Salida said he would like to echo previous comments. He thinks there should be no groover cleaner to help the rafters, and that the issue was passed without any input from the public.

Shawn Gillis of Salida said rafting is a big industry in Salida and Chaffee County, which has the most rafted river in North America. He said rafters come to the area, and the City collects a lot of sales tax from them. He encouraged people to look at the bigger picture. He said he has an accessory dwelling unit that Hanlon may rent at the same reasonable price.

Jenifer Flower of Salida, owner of Bella Vita Day Spa, said she would like to receive what residential customers do regarding water and sewer rates. She said she had 420 clients help pay the \$2,800 administrative fee by getting those clients waxes. She said the City needs to give small business a break.

Cynda Green of Salida asked what other cities allow their employees to clean portable toilets.

Nancy Dominick of Salida said she doesn't know what happened regarding the visit to the sewer plant.

Yerkey said he would speak to Dominick after the meeting.

Vern Davis of Salida asked why Randy published a press release.

Jan Sebastian of Salida said \$60,000 for a groover cleaner is crazy. He said rafting companies have been able to get along just fine. He said the City attorney doesn't deserve respect more than anybody else.

Bruce Feldman of Salida said there are laws and ethical guidelines for corruption in relation to the ADU MacDonald rents to Hanlon.

## V. PRESENTATION

### 1. Water Rights 101 – Patricia DeChristopher and Richard Mehren

Patricia DeChristopher introduced herself and said she has been handling Salida matters for about six years. She will be leaving, and she introduced Richard Maron who will be representing the City after she leaves.

MacDonald projected a memo provided by DeChristopher for the record.

Baker referenced water storage.

Discussion continued.

Jay Moore of Salida referenced a 10 to 15 year storage authority project.

Discussion continued.

Hallett asked if there are perceived changes in the way water law is applied.

Patricia said there are always changes in the law and how the law is applied.

### 2. H Street Project Overview – Bob Salmi, Public Works Director

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

MacDonald said if council is at all interested in narrowing H Street, then we'd have public meetings.

Marilyn Moore with the Tree Board said 15 trees are slated for removal as part of the plan. She said that the street will not have many trees. She offered some alternatives. She referenced the comp plan regarding parkways and trees. She asked council for money in the budget for replacement trees and good soil in the parkways.

Discussion continued.

Monika Griesenbeck of Salida said there are urban planning studies to reference, and she said she doesn't want to see another E Street.

Brown said there is a lot of conflict. He said he'd like to see a couple more weeks and get door to door visitation about narrowing street, losing trees, etc. He said he'd like to visit with Matt w/ SGM.

Rogers said she'd like to see a public meeting be held regarding this.

MacDonald said she will schedule a public meeting.

**Baker made a motion to go beyond 8. Brown seconded the motion. With all in consensus, THE MOTION CARRIED.**

## VI. SCHEDULED ITEMS

### 1. Consent Agenda (Audrey Gilpin)

- a. Approval of Agenda
- b. Approval of Minutes: December 3, 2013
- c. Property Requests & Special Event Liquor Permits: (1) Chisholm Park Pavilion and Fee Waiver beginning Jan. 9, 2014 (2) Chaffee County Running Club Run Through Time Marathon & Half Marathon March 15, 2014
- d. Chaffee County Building Department Intergovernmental Agreement – Renumbered Resolution Resolution 2013-82 approving an intergovernmental agreement with Chaffee County whereby the Chaffee County Building Department will serve as the City’s Building Inspector.

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

**2. Lowry Purchase 2<sup>nd</sup> Reading and Public Hearing (Dara MacDonald)**

Ordinance 2013-31 approving the Lowry Land Purchase and authorizing the Mayor to execute closing documents.

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

Dickson opened the public hearing.

Mike Smith of Salida offered thanks to council, mayor and staff and said the purchase is consistent with the Salida Comprehensive Plan.

Bill Hudson of Salida referenced the ordinance. He suggested inserting state statute language referencing how conservation trust funds are to be used.

MacDonald said the disposition of this property in the future would require a vote of the people.

Jeff Auxier of Salida urged the council to change the ordinance language to include public use.

Mathew Aloboncio of Salida said the “from time to time” language in the ordinance is ambiguous.

Hanlon said the reality of the legal situation is you can’t bind a future council.

Billy Carlisle of Salida referenced the Sackett property and the debate as to whether the property was used for public use.

Dickson closed the public hearing.

**Baker made a motion to approve Ordinance 2013-31, an ordinance of the City Council of the City of Salida, Colorado, approving the Lowry Land Purchase and authorizing the Mayor to execute closing documents, changing item two to state “public recreational purposes.” and ordering the ordinance to be published by title and amendment only. Brown seconded the motion.**

**During the roll call vote, Hallett said she thinks the public was left out of the process and that the city owns enough land.**

**In a 5-1 vote, THE MOTION CARRIED. Hallett had the dissenting vote.**

**3. KHEN Tower Lease 2<sup>nd</sup> Reading and Public Hearing (Dara MacDonald)**

Ordinance 2013-32 approving Tenderfoot Communication site lease with KHEN.

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

Hallett inquired about TABOR and leases.

Brown suggested if the lessee needs a certificate of insurance perhaps a certificate from the FCC and FAA would be appropriate.

Dickson opened the public hearing.

Matthew Aloboncio of Salida agreed with Brown.

Monika Griesenbeck of Salida referenced having a light on the top of the tower.

Jan Sebastian of Salida asked why Salida would deliberately not follow rules.

Dickson closed the public hearing.

**Rogers made a motion to approve Ordinance 2013-32, an ordinance of the City Council of the City of Salida, Colorado approving the Tenderfoot Communication site lease with KHEN, adding that a certificate from the FAA and FCC be required in the lease agreement and ordering the ordinance published by title only. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.**

4. **Chaffee County Telecom Tower Lease 2<sup>nd</sup> Reading and Public Hearing** (Dara MacDonald)  
Ordinance 2013-33 approving Tenderfoot Communication site lease with Chaffee County Telecom d/b/a Colorado Central Telecom, LLC.

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

Dickson opened the public hearing.

Bill Hudson said the same FAA and FCC certificate requirement should be in every lease.

Jeff Auxier of Salida referenced the memo where it states that the City budgeted \$60,000 in the 2013 budget for this item. He asked where in the budget this item is located.

MacDonald said in the 2013 budget it is under other city property.

Auxier asked if it is the budget that was filed with DOLA.

MacDonald confirmed and mentioned the first budget amendment.

Hanlon stated that Auxier has a lawsuit against the City and has addressed the budget issue and defendant in which he has an ongoing lawsuit with.

Auxier said he doesn't lose his right to speak as a public citizen in a public hearing.

Hanlon said he will take it up with disciplinary. Hanlon advised council and staff to not answer questions regarding the budget from Mr. Auxier.

Dickson closed the public hearing.

**Brown motioned to approve Ordinance 2013-33, an ordinance of the City Council of the City of Salida, Colorado, approving the Tenderfoot Communication site lease with Chaffee County Telecom d/b/a Colorado Central Telecom, adding that a certificate from the FAA and FCC be required in the lease agreement and ordering the ordinance published by title only. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.**

5. **Starnet Tower Lease 2<sup>nd</sup> Reading and Public Hearing** (Dara MacDonald)  
Ordinance 2013-34 approving Tenderfoot Communication site lease with Starnet.  
MacDonald referenced a memo provided in the city council packet for the record.

Dickson opened the public hearing.

Billy Carlisle of Salida came up to the podium, but said he decided against speaking.

Dickson closed the public hearing.

**Baker made a motion to approve Ordinance 2013-34, an ordinance of the City Council of the City of Salida, Colorado, approving the Tenderfoot Communication site lease with Skynet, and ordering the ordinance published by title only. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.**

6. **Amending the Salida Municipal Code General Penalty Provision 2<sup>nd</sup> Reading and Public Hearing**  
(Terry Clark)  
Ordinance 2013-35 amending the Salida Municipal Code Section 1-4-20 General Penalty for Violations of the Municipal Code.

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

Dickson opened the public hearing.

Griesenbeck of Salida inquired about those people not being able to pay and jail time.

Hanlon said with this amendment jail time is no longer a potential sentence.

Griesenbeck of Salida referenced teenage jail time.

Billy Carlisle of Salida said that the ordinance is a two edge sword.

Hanlon explained the amendment and its effects.

Hallett referenced the \$1,000 figure per infraction.

Hanlon said that is the maximum, but is not the automatic figure.

MacDonald said compliance is the goal, not large fines.

Hallett referenced property owners getting letters.

Jan Sebastian of Salida referenced a letter he received in the past.

Discussion continued.

Sebastian said that he was told that if he didn't comply he could go to jail and that the letter was signed by Dara MacDonald.

Hanlon said that you can not immediately be arrested.

**Baker made a motion to approve Ordinance 2013-35, an ordinance of the City Council of the City of Salida, Colorado, amending sections of the Municipal Code Section 1-4-20 General Penalty for violation of the Municipal Code and ordering the ordinance be published by title only. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.**

7. **University of Colorado Memorandum of Understanding Scout Hut Project** (Theresa Casey)  
Resolution 2013-83 approving a memorandum of understanding between the City of Salida and the Colorado Department of Local Affairs – University of Colorado Denver Colorado Center for Community Development regarding the Scout Hut.

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

**Rogers made a motion to approve Resolution 2013-83, a resolution of the City Council of the City of Salida, Colorado, approving a memorandum of understanding between the City of Salida and The Colorado Department of Local Affairs – University of Colorado Denver, Colorado Center for Community Development, regarding the Scout Hut, and authorize the City Administrator to execute the agreement on behalf of the City. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.**

8. **University of Colorado Memorandum of Understanding Playground Project** (Theresa Casey)  
Resolution 2013-84 approving a memorandum of understanding between the City of Salida and the Colorado Department of Local Affairs – University of Colorado Denver Colorado Center for Community Development regarding a City-wide Playground Master Plan.

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

**Bowers made a motion to approve Resolution 2013-84, a resolution of the City Council of the City of Salida, Colorado, approving a memorandum of understanding between the City of Salida and The Colorado Department of Local Affairs – University of Colorado Denver, Colorado Center for Community Development, regarding a Citywide Playground Master Plan, and authorize the City Administrator to execute the agreement on behalf of the City. Brown seconded the motion. With all in consensus, THE MOTION CARRIED.**

9. **Ice Coalition Memorandum of Understanding** (Theresa Casey)  
Resolution 2013-85 approving an memorandum of understanding between the City of Salida and the Chaffee County Ice Coalition regarding the Centennial Park Ice Rink.

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

Yerkey asked why the kids can't skate except on Friday.

Casey said volunteers need to be present with the Chaffee County Ice Coalition in order for the public to skate.

**Brown made a motion to approve Resolution 2013-85, a resolution of the City Council of the City of Salida, Colorado, approving a memorandum of understanding between the City of Salida and the Chaffee Ice Coalition and authorize the City Administrator to execute the agreement on behalf of the City. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.**

10. **Communications Center Intergovernmental Agreement** (Dara MacDonald)  
Resolution 2013-86 approving the intergovernmental agreement for consolidation of cost sharing of dispatch communications for Chaffee County Communications Center.

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

Baker recommended revisiting this agreement year to year.

Yerkey said they added an employee at dispatch.

MacDonald said that the county did ask for the city opinion and she told them that council objected to hiring someone.

**Baker made a motion to approve Resolution 2013-86, approving the intergovernmental agreement**

for the consolidation of cost sharing of dispatch communications for the Chaffee County Communications Center modifying paragraph 11 to allow for annual renewal not automatic. Yerkey seconded. With all in consensus, **THE MOTION CARRIED.**

**11. Review Water and Sewer Fee Schedule (Jan Schmidt)**

Jan Schmidt referenced a memo provided in the city council packet.

Brown said he did not feel that the increase for 2014 is justified. He referenced several yearly audits where increases had occurred.

MacDonald said the budget committee and task force could take a more in-depth look at water rates and sewer rates. She recommended opening this topic up to more discussion.

Baker said the question is whether the increases Brown mentioned in 2004 through 2008 were enough. He said they were not enough. He said he appreciated Brown's research.

Brown said his goal is to kill the increase.

Yerkey said his goal is to make sure that the water and sewer fund is sound. He said he wants to make sure the City is able to do everything we need to do street wise and keep our funds healthy.

Brown-Kovacic said that data needs to play a strong role in this.

**12. Administrator/City Attorney/Deputy City Clerk**

a. City Administrator Report – Dara MacDonald

1.) Budget Task Force

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

Brown said he would like to meet with the proposed task force to get recommendations then get back to council about forming a resolution.

2.) Board, Commission and Committee Appointments

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

Vern Davis of Salida stepped up to the podium to call a point of order. Council said he could not because he is not a member of city council nor did they see a reason.

MacDonald asked for voice vote.

**Rogers made a motion to approve the appointments that do not require a resolution. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.**

3.) WSCU Update

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

Council recommended moving forward with the Western State Colorado University surveys.

4.) CDOT Highway 50 Speed

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

Jim Miller of Salida said the speed limit is 25 mph in Buena Vista.

Council did not agree with the CDOT proposals and agreed to continue to pursue conversation with representatives and encourage public to write letters.

5.) Excess Capacity Agreement

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

6.) Spring Council Retreat

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

Council asked staff to bring back dates in March for the retreat.

7.) Solar PPA Provider

MacDonald asked if council is still interested in a solar power purchase agreement. Council said yes. MacDonald said they should see an agreement at their regular meeting January 7, 2014.

8.) Tenderfoot Tower

MacDonald said the Chaffee County Visitors' Bureau has agreed to pay for a light that will shine when Monarch Mountain gets six inches or more. She said this will help foster a partnership with Monarch Mountain and those locals and visitors that go to Monarch.

9.) H Street

MacDonald asked whether council would like to have a work session or public meeting for the H Street Project. Council recommended a public meeting at 6 p.m. January 9 in City Council Chambers.

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

Hanlon said council will discuss two lawsuits during their executive session.

c. Deputy City Clerk Report – Audrey Gilpin

Gilpin said routine drinking water samples are collected and given to the Pueblo City-County Health Department Laboratory for testing monthly. She said the results of the 2013 water analysis are on the City Website.

Gilpin said she received the invoice for the 2013 Coordinated Regular Municipal Election. The City's share is \$6,816.09. Total expenses for the election which included the City, the Buena Vista School District and the State of Colorado are \$27,338.54.

### 13. Elected Official Reports

- a. City Treasurer – Cheryl Brown-Kovacic

Brown-Kovacic said collections of sales tax for the month of October were \$337,046, and increase of \$40,784, or 13.8%, from October 2012. She said this brings the year to date collections to \$3,520,436, which is an increase of \$225,139 or 6.8% compared to the same period of time in 2012. Salida's share of the Chaffee County tax for October was \$108,140, and increase of \$9,729, or 9.9%

Brown-Kovacic gave an update on the employee benefits consultant. After evaluating three proposals, the decision to select Denman Consulting Services, Inc. Their proposal is not to exceed \$750. The benefits committee plans to start the project early in 2014 and have recommendations by the week of March 11<sup>th</sup>.

- b. City Clerk – Betty Schwitzer – Absent.

- c. Mayor – Jim Dickson

Dickson congratulated Audrey Gilpin and the cheerleaders for their state title. He said he enjoyed the tour of Pinto Barn.

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

Bowers said he was impressed with Don't Go Nuts and Pinto Barn. Bowers said to buy local during the holidays. Brown echoed sentiments about Don't Go Nuts and the tour.

Yerkey also said the Pinto Barn tour was impressive.

Rogers echoed Yerkey regarding Pinto Barn. She referenced a Time magazine article that talked about urban deer. She highly recommended reading the article.

Hallett agreed the Pinto Barn tour was nice. She said she wasn't sure when the best time to bring this topic up was, but she voiced concerns with the City Attorney. She asked if council was all in favor of the city attorney.

### VII. EXECUTIVE SESSION –

**Baker made a motion at 10:27 p.m. For a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, under C.R.S. Section 24-6-402(4) (e).**

**AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: (1) specifically to discuss Auxier v. City of Salida et al Case No. 13CV030003 and (2) specifically to discuss the trail at 207 N. D Street and 314 E Sackett. Rogers seconded the motion. With all in consensus, the MOTION CARRIED.**


Mayor Dickson announced the time as 10:37 p.m.

Present at the executive session were Mayor Jim Dickson, Council members Mike Bowers, Hal Brown, Tom Yerkey, Eileen Rogers, Keith Baker and Melodee Hallett. Also present were City Administrator Dara MacDonald and City Attorney Karl Hanlon.

Executive session ended at 10:58 p.m. Council did not provide direction to change course or otherwise take any action regarding the executive session matters.

**Baker motioned to adjourn at 11 p.m. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.**



  
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Mayor

Audrey Gilpin  
Submitted by Deputy City Clerk, Audrey Gilpin