



MINUTES OF THE CITY COUNCIL
City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, January 7, 2014

I. JOINT MEETING WITH PLANNING COMMISSION – 6:00 p.m.

1. Land Use Code Re-adoption (Michael K. Yerman)

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

2. Conceptual Review of Major Impact Review for Forest Glen (Michael K. Yerman)

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

3. Conceptual Review for Major Impact Review for D Street Right-of-Way Vacation
(Michael K. Yerman)

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

II. REGULAR MEETING CALLED TO ORDER – 7:00 p.m.

III. PLEDGE OF ALLEGIANCE – Led by Mayor Jim Dickson

IV. ROLL CALL

Present 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 Clerk Betty Schwitzer, City Attorney Karl Hanlon, City Administrator Dara MacDonald and Deputy City Clerk Audrey Gilpin.

Rogers commented on tension in council chambers. She referenced the December 17, 2013 council meeting and the disparaging remarks about specific people. She asked how those involved would have been perceived if a classroom teacher brought his or her class to the last meeting as an example of local government. She asked council members, staff and citizens to stop for a moment and reflect on their behavior. She said, if necessary, disagree without rancor and have a good atmosphere in 2014.

V. CITIZEN PARTICIPATION – 3 minute time limit

Jeff Auxier of Salida handed out documents to council for the record. He said he has fundamental disagreements with council and staff, so it is hard not to butt heads. He said Ordinance 2013-31 is unlawful. He said there is a rancor in the city and represents a mindset that started with the city attorney, city administrator and city council.

Ray Kitson of Salida said council is doing an outstanding job. He said the groover cleaner is a good decision. He said he speaks having 25 years of outfitter experience and that river outfitters are a major contributor to the community. He said the fact that other communities may not offer this service only lets Salida set the standard.

Monika Griensenbeck of Salida said thanked Rogers for lecture on civility but said she needed to direct her

comments to council members.

Cathy Chochon of Salida said she could not find that the applicant for Forest Glen was legally registered with the state. She said she hopes the goals set out in the Salida Energy Plan aren't mandated for citizens. She referenced a neighbor's land use application on Dodge and her desire to appeal a decision but said she doesn't think she should have to pay for an appeal.

Billy Carlisle of Salida said he believes the NRCDC board's role is expanding and that the NRCDC is not a separate entity from the city. He said the NRCDC board needs outside legal counsel.

Nancy Dominick of Salida said in an hour she obtained many signatures from people that agree with her that the sewer plant stinks.

Vern Davis of Salida asked Dickson if the sewer plant is now complete.

MacDonald said staff is working on completing the water pipe.

VI. PRESENTATION

1. Introduce Emily Johnson, Community Development Intern

Michael Yerman introduced Emily Johnson.

VII. SCHEDULED ITEMS

1. **Consent Agenda** (Audrey Gilpin)
 - a. Approval of Agenda
 - b. Approval of Minutes: December 17, 2013
 - c. Property Requests & Special Event Liquor Permits: None.
 - d.

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

2. **Amending Chapter 2 Juvenile Sentencing 1st Reading** (Terry Clark)
Ordinance 2014-01 amending Salida Municipal Code Section 2-5-120 Sentencing Procedures and 2-5-130 Juvenile Sentencing for violations of the municipal code.

Hanlon thanked Monika Griesenbeck for bringing to his attention juvenile sentencing needed to be addressed.

Baker made a motion to approve Ordinance 2014-01, an ordinance of the City Council of the City of Salida, Colorado, amending sections of the Municipal Code Section 2-5-120 sentencing procedures and 2-5-130 juvenile sentencing for violations of the municipal code setting the public hearing for January 21, 2014 and ordering the ordinance be published in full. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

3. **Designating a Public Posting Place** (Audrey Gilpin)
Resolution 2014-01 designating the place for the posting of public notices for City Council meetings and other city business.

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

Brown made a motion to approve Resolution 2014-01, a resolution of the City Council of the City of Salida, Colorado, designating the place for the posting of public notices for the City Council meeting and other City business. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

4. **Energy Plan Adoption** (Emily Katsimpalis)
Resolution 2014-02 adopting the Energy Focus Plan.

Emily Katsimpalis referenced a memo provided in the city council packet for the record.
Katsimpalis said the plan is a non-binding resolution referencing Cathy Chochon's comment during citizen participation.
Brown said he is impressed with the readability of the document. He said he thinks the plan should be binding for the City but not for citizens and asked for specific recommendations.
MacDonald referenced four energy audits.
Yerkey asked if the City could set goals for the government buildings.
Brown recommended tracking these goals and progress in the quarterly financial report.

Yerkey made a motion to approve Resolution 2014-02, a resolution of the City Council for the City of Salida, Colorado to adopt the Salida Energy Focus Plan. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

5. Fry-Ark Excess Capacity Contract (Dara MacDonald)

Resolution 2014-03 authorizing the City Administrator to execute a temporary water storage contract with the Southeastern Colorado Water Conservancy District and the United States Bureau of Reclamation for the storage of non-project municipal and industrial water in the Fryingpan-Arkansas Project.

Yerkey made a motion to go past 8 p.m. Baker seconded the motion. Bowers amended the motion to not go past 10 p.m. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

MacDonald referenced a memo provided in the city council packet for the record.
Brown asked why the cost increased.
Hanlon said it's likely due to operational cost.

Yerkey made a motion to approve Resolution 2014-03, a resolution of the City Council of the City of Salida, Colorado, authorizing the City Administrator to negotiate and execute a temporary water storage contract with the Southeastern Colorado Water Conservancy District and the U.S. Bureau of Reclamation for if and when storage space in the Fryingpan-Arkansas Project. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

6. SNRCDC Board Appointments (Dara MacDonald)

Resolution 2014-04 appointing members to serve on the Board of Directors of the Salida Natural Resource Center Development Corporation.

MacDonald referenced a memo provided in the city council packet. She said she made a mistake in the memo, and she clarified that all members of the board can be residents of Chaffee County.
Bowers asked if the positions were publicized.
MacDonald said the practice has been if the city has members that are interested in serving again, the position is typically not advertised.
Bowers said he would like to see if there is interest. He said there might be a conflict of interest having City Council members on the board.
Hanlon referenced a requirement in the IRS ruling for a 63-20 corporation. He said the makeup of the board is at council's discretion.
Discussion continued.
Brown said the City should dispel the rumors by explaining the relationship between the government and the NRCDC.
Hanlon said that wouldn't be a problem and there has been numerous memos in the last four years and presentations on what the NRCDC is.
Discussion continued.
Bowers asked why board members outside of Salida are allowed on the board. He said he would like the appointment postponed.
Rogers said that the newest members of the board have only been serving since March 5, 2013.
Discussion continued.
Brown asked if it's acceptable to extend terms.

Yerkey motioned to table Resolution 2014-04, a resolution of the City Council of the City of

Salida, Colorado, approving appointments to the board of the Salida Natural Resource Center Development Corporation. and extend terms through March 18, 2014. Rogers seconded the motion. With all in consensus, **THE MOTION CARRIED.**

7. Airport Board Appointments (Dara MacDonald)

Resolution 2014-05 appointing members to serve on the Salida/Chaffee County Airport Board.

MacDonald referenced a memo provided in the city council packet for the record.
Bowers said the City should advertise the positions.

Yerkey motioned to approve Resolution 2014-05, a resolution of the City Council of the City of Salida, Colorado, appointing members to serve on the Salida/Chaffee County Airport Board. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

8. Administrator/City Attorney/Deputy City Clerk

- a. City Administrator Report – Dara MacDonald
 - 1.) Appoint Mayor Pro-Tem

Baker recommended Brown serve as Mayor Pro-Tem. Rogers seconded the motion. With all in consensus, **THE MOTION CARRIED.**

- 2.) Urban Deer – Next Steps

MacDonald referenced a memo provided in the city council packet.

- 3.) Date for Council Retreat

Council gave direction to have the council retreat March 10, 2014.

- 4.) Update on IT change

MacDonald updated council on the City's IT service change to Orion Integration Services.

- 5.) Other Updates:

MacDonald said three firefighters were promoted to senior firefighter.

She said Salida Recreation is trying to create a youth scholarship program for Friday enrichment. She asked for council direction. Council gave direction to pursue the program.

MacDonald asked if council would be willing to have a joint meeting with the Salida School Board. Council gave direction to schedule the meeting in mid-February.

MacDonald said the City will be seeking \$60,000 for various entities to match the GOCO grant for the Salida River Trail.

MacDonald said the Economic Development Corporation Annual Meeting is a luncheon January 21, 2014.

MacDonald said the ice rink at Centennial Park is now open.

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

Hanlon referenced a memo distributed to council.

Hanlon asked for direction regarding Ordinance. 2013-31. He said it is more of a political issue than a legal one. Brown agreed and said whether it's there or not doesn't change the intent. Brown recommended deleting the section regarding "such other purposes as the City Council may from time to time determine is in the best interests of the City."

Hanlon said he will draft a supplement ordinance for review at the January 21 meeting.

- c. Deputy City Clerk Report – Audrey Gilpin

Gilpin said that Mayor Dickson brought to her attention that a council person is interested in a Robert's Rules work shop.

Bowers, Brown and Hallet expressed interest. Gilpin said she would schedule the work shop.

Bowers said he would like to see the morning work sessions return.

Gilpin asked council to let her know if they are interested in attending the CML Effective Governance Training in Denver Feb. 24, 2014.

9. Elected Official Reports

- a. City Treasurer – Cheryl Brown-Kovacic – No report.
- b. City Clerk – Betty Schwitzer – No report.
- c. Mayor – Jim Dickson

Dickson said he would like to move the caboos that is currently at the Chamber to the F Street turnaround to keep the railroad alive.

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

Bowers said he is concerned about narrowing H Street. He complained about the dips on First Street and 13th and I.

Brown said the drain pan at 13th and I Street is severe. He asked how agenda items get to be agenda items. MacDonald said when a majority of council would like to see an item on the agenda, the item is placed on the agenda except for routine items.

Yerkey thanked Eileen for her discussion and doing the best to abide by the request. He thanked Jan Sebastian for writing an apology letter to Theresa Casey.

Hallett asked to review the City's legal counsel.

Baker said attorney is an employee of council, and he would like to see that discussion take place in executive session.

Hanlon said he would be happy to discuss legal services and situations that have driven legal cost.

Baker motioned at 9:30 p.m. to adjourn to executive session 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 (2) specifically to discuss Valdez v. City of Salida, Shavano Imports and Jeff Delaney and (3) specifically to discuss the Dominick Water Supply matter. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

Mayor Dickson announced the time as 9:40 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 Attorney Karl Hanlon and City Administrator Dara MacDonald.

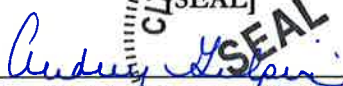
Executive Session concluded at 10:02 p.m.

VIII. REPORT/ACTION ON EXECUTIVE SESSION MATTERS

Council reconvened in city council chambers.

Hanlon asked council to confirm the direction regarding the three lawsuits discussed in executive session. He said regarding Auxier v. City of Salida et al Case No. 13CV030003 direction is to pursue settlement on cost recovery. Regarding Valdex v. City of Salida, Shavano Imports and Jeff Delaney, CIRSA is handling the case and the settlement mediation is Thursday, January 9. Regarding the Dominick Water Supply matter, Hanlon said the water attorney will provide a counter offer in the next couple of days to try to fully resolve that case. Council confirmed.

Baker made a motion to adjourn at 10:15 p.m. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.


Submitted by Deputy City Clerk Audrey Gilpin


Mayor

