



MINUTES OF THE CITY COUNCIL
City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, January 21, 2014 6:00 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 City Council members Eileen Rogers, Melodee Hallett, Mike Bowers, Keith Baker, Hal Brown and Tom Yerkey. Also present were City Clerk Betty Schwitzer, City Administrator Dara MacDonald, Assistant City Attorney Jeffery Conklin and Deputy City Clerk Audrey Gilpin.

Absent was City Attorney Karl Hanlon and City Treasurer Cheryl Brown-Kovacic.

IV. CITIZEN PARTICIPATION – 3 minute time limit

Vern Davis of Salida referenced water meters on H Street and who would pay to shut off the valve.

Walt Harder of Salida referenced upcoming appointments to Salida Natural Resource Center Development Corporation Board of Directors. He said he owns property, works, volunteers his time, donated land for trails and wishes to continue serving even though he lives in the county. He asked for lines not to be drawn where they do not exist.

Vickie Sue Vigil of Salida with Salida Business Alliance thanked council for their help with events this past year and said she is looking forward to working with them this year.

Jeff Auxier of Salida said he has served MacDonald with another lawsuit regarding zoning and the code. He said the City Administrator is the applicant, and the application is supposed to be comprised of exact text of code.

Baker called point of order when Auxier mentioned MacDonald's pay scale.

Bill Hudson of Salida asked if there will be a discussion regarding the budget task force. Council confirmed. He said he believes there's a member on the Salida Natural Resource Center Development Corporation Board of Directors that has little respect for citizens and Robert's Rules. He said that member is Ray Kitson.

Jenifer Fowler of Salida referenced an e-mail originally sent to MacDonald regarding her tap fees. She referenced an experience she had at City Hall. She said she would like an apology as well as her \$2,000 fee reimbursed.

Billy Carlisle of Salida said he wanted to make sure there would be public comment at the budget task force portion of the agenda. Council confirmed.

V. PRESENTATION

1. 2013 Building Department Activity Report – Dan Swallow, Chaffee County Development Services
Manager of Operations

Dan Swallow referenced materials in the city council packet for the record.

2. Salida Golf Board Update – Mike Patrick, President

Patrick referenced materials in the city council packet for the record.

3. 2013 Year-End Wrap Up – Dara MacDonald, City Administrator

MacDonald referenced a presentation projected during the city council meeting.

VI. SCHEDULED ITEMS

1. Consent Agenda (Audrey Gilpin)

- a. Approval of Agenda
- b. Approval of Minutes: January 7, 2014
- c. Property Requests & Special Event Liquor Permits: None.

Hallett motioned to put a New Business item on the consent agenda. Brown seconded the motion.

Conklin said a majority vote of council members could set items on the agenda.

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

Hallett motioned to review legal counsel and to hold a public hearing on the issue of city attorneys with at least 10 days public notice to get input and concerns. Brown seconded the motion to allow for discussion.

Brown said he is concerned that there are times when he would like to confer with city attorney via e-mail or phone, and he hesitates out of fear of running up legal bills. He thinks an in house legal counsel and establishing a full time salary position might be worth pursuing.

Rogers referenced the retreat in March as a way of discussing this item.

Discussion continued.

Brown recommended putting it on the agenda for the next council meeting.

Conklin said Hanlon would discuss the scope of their legal services, what the scope of in house services could look like and what would still need to be contracted out.

Brown said he believed a public meeting is premature.

In a 1-5 vote, THE MOTION FAILED. Hallett had the affirming vote.

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 2nd Reading and Public Hearing (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.

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

Dickson opened the public hearing.

Patty LaTaille with Full Circle Restorative Justice supported removing jail time because they provide alternatives. She spoke regarding Full Circle's programs.

Jan Sebastian of Salida wanted to clarify that jail time is removed from sentencing.

Clark confirmed.

Dickson closed the public hearing.

Yerkey motioned 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 and ordering the ordinance be published by title only. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

3. Recreation Scholarship Program (Theresa Casey)

Resolution 2014-06 approving the development of a recreation department scholarship fund and authorizing the recreation department to manage the program.

Maggie Murdoch, Recreation Coordinator, referenced a memo provided in the city council packet for the record.

She said there is about \$2,300-2,400 in the scholarship fund.

Jenifer Fowler of Salida said that's a meager amount of money. She said the City should offer free recreation programs to every youth.

Murdoch said the City does have to cover expenses. She said she would love to provide free recreation, but the department needs to keep their subsidy.

Bowers said it's a great program.

Yerkey motioned to approve Resolution 2014-06, a resolution of the City Council of the City of Salida, Colorado, approving the development of a Recreation Department Scholarship Fund and authorizing the Recreation Department to manage the program. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

4. Formation of Budget Task Force (Dara MacDonald)

Resolution 2014-07 approving formation of and appointments to a budget task force.

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

Brown said he accepted the idea of having a task force, but he thinks staff should not serve on the committee but be a resource. He said he drafted a charter that would establish the task force in perpetuity, and it wasn't carried over well. He said Schmidt and MacDonald as committee members would not take an objective, critical view of the work product since they produced it.

Yerkey said Schmidt and MacDonald are the best resources on the committee regarding questions they have because of their involvement.

Baker said council prepared the budget by making recommendations.

Hallett said the task force should be to review 2014 and 2015 budgets.

Baker said he thinks staff would bring accurate, precise information.

Brown said he thinks the task force should be elected officials.

Rogers said she doesn't see a conflict in having staff on the task force.

Discussion continued.

Brown said MacDonald and Schmidt could be non-voting members.

Bill Hudson of Salida said he is disappointed the committee is only going to look at two items.

Billy Carlisle of Salida said that the task force was going to look at the budget including presentation format and use of 2A/2B funds. He asked whose decision it was to limit the scope.

Brown said the decision to limit the scope was made by the nominating committee.

Jan Sebastian of Salida said he has concerns with task force.

Rogers said that it was the three elected officials that made the decision to narrow the make-up of the committee.

Auxier said Salida's budget process is non-participatory.

Rogers said the task force will not make decisions. She said council will make decisions and the task force is formed to provide information.

Yerkey made a motion to approve Resolution 2014-07, a resolution of the City Council of the City of Salida, Colorado, approving the formation of and appointments to a Budget Task Force and making Dara MacDonald and Jan Schmidt non-voting members. Baker seconded the motion. In a 3-3 vote, Mayor Dickson voted for the resolution, and THE MOTION CARRIED. Bowers, Brown and Hallett had the dissenting votes.

5. Stipulation Auxier/Fritz Case, Case No. 13CV30003 (Jeffrey J. Conklin)

Resolution 2014-08 approving a stipulation between the City of Salida and Jeff Auxier in Case No. 13CV30003, District Court, Chaffee County, Colorado.

Conklin said there are claims remaining in this case regarding the enforcement of the reimbursement agreement. He said the stipulation is that both parties dismiss those claims regarding the reimbursement agreement.

Yerkey motioned to approve Resolution 2014-08, a resolution of the City Council of the City of Salida, Colorado, approving a stipulation between the City of Salida and Jeff Auxier in Case No. 13CV30003, District Court, Chaffee County, Colorado. Brown seconded the motion. With all in consensus, THE MOTION CARRIED.

6. Amended Stipulation for Dominick (Dara MacDonald)

Resolution 2014-09 approving an amended stipulation between applicant City of Salida and opposer Nancy Dominick in Case No. 04CW125, District Court, Water Division No. 2, Colorado.
MacDonald referenced a memo provided in the city council packet for the record.

Yerkey motioned to approve Resolution 2014-09, a resolution of the City Council of the City of Salida, Colorado, approving an amended stipulation between applicant City of Salida and opposer Nancy Dominick in Case No. 04CW125, District Court, Water Division No. 2, Colorado. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

7. **Dominick Infiltration Gallery Bid Award** (Dara MacDonald)
Resolution 2014-10 approving the award of a construction agreement for the Dominick Irrigation Infiltration Gallery Project and authorizing the City Administrator to enter into a construction services agreement between the City of Salida and Y&K Construction, Inc.
MacDonald referenced a memo provided in the city council packet for the record.

Brown motioned to approve Resolution 2014-10, a resolution of the City Council of the City of Salida, Colorado, approving the award of a construction contract for the Dominick Infiltration Gallery project and authorizing the City Administrator to enter into a construction services agreement between the City of Salida and Y&K Construction, Inc. for \$52,264. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

8. **Amendment to Ordinance 2013-31 Lowry Property Purchase** (Dara MacDonald)
Ordinance 2014-02 amending Ordinance 2013-31.
MacDonald referenced a memo provided in the city council packet for the record.

Baker motioned to approve Ordinance 2014-02, an ordinance of the City Council of the City of Salida, Colorado, amending Ordinance 2013-31, setting the public hearing for February 4, 2014 and ordering the ordinance be published in full. Rogers seconded the motion. In a 4-2 vote, THE MOTION CARRIED. Brown and Hallett had the dissenting votes.

9. **Administrator/City Attorney/Deputy City Clerk**
a. City Administrator Report – Dara MacDonald
1.) Direction on H Street width

Yerkey asked Marilyn Moore to talk about trees.

Moore spoke regarding the street trees.

MacDonald is looking for direction.

Bowers wants to see something done.

Hallett said she has a hard time making a decision without more citizen input.

Council gave direction to go with original street design and start project.

2.) Other Items

MacDonald asked when a good time for council to meet with the school board would be. Council gave direction for a Wednesday in February.

MacDonald said Elaine Allemang has expressed interested in the broadcast station. Council directed staff to inform Allemang of having a public meeting regarding interest in the station.

- b. City Attorney Report – Karp, Neu, Hanlon, PC – No report.
c. Deputy City Clerk Report – Audrey Gilpin – No report.

10. **Elected Official Reports**

- a. City Treasurer – Cheryl Brown-Kovacic
b. City Clerk – Betty Schwitzer
c. Mayor – Jim Dickson
d. City Council- Keith Baker, Michael Bowers, Melodee Hallett, Eileen Rogers, Hal Brown and Tom Yerkey.
e.

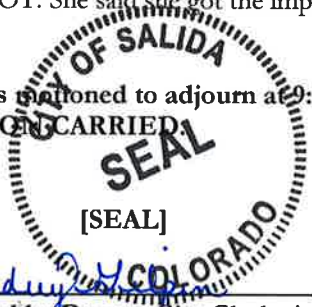
Bowers asked Dickson if he had heard about the status of the train car. Dickson said things are going smoothly. Rogers gave an update regarding home sales.

Baker said the NRCDC Board spoke about expanding their scope in order to market property.

Hallett said that Connie with Neighbor to Neighbor provides services to a lot of people and receives funding

from CDOT. She said she got the impression Connie wanted more money from the City of Salida.

Bowers motioned to adjourn at 9:13 p.m. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.





Mayor



Submitted by Deputy City Clerk, Audrey Gilpin

