



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

Billy Carlisle of 208 Mesa Court of Salida said he enjoyed the code of conduct for city council and public. He said it's not always clear when public comment will be allowed on agenda items, and he thinks at time the process is rushed. He said there was some discussion regarding legal counsel, and he said that discussion seems to be at a standstill.

Shawn Gillis of 145 Poncha Blvd of Salida said he has been attending council meetings off and on for 15 years. He said when he moved here in 1999 there was a 40 percent vacancy downtown. He said he is proud of downtown, the river park and parking. He said Highway 50 has sidewalks and lighting, and he said there is a new high school and soon to be new elementary school. He said he is one of the those people who think the representatives of City Council are doing a good job.

Jim Miller said he would like to commend the majority of city council for compromises made at the last meeting. He congratulated Dickson and Bowers for the movement of the caboose. He also thanked MacDonald, Michael Yerman and Bob Salmi for doing a simple yet effective thing for the community.

Jeff Auxier of Salida asked if those interested citizens were going to be able to speak on the Chapter 16 agenda item. He said he had to serve MacDonald a lawsuit to slow the process down and make it legal. He said Hanlon made intriguing changes. He said he's concerned there is no mention of the Rules of Decorum for the administration.

Cathy Chochon of Salida referenced Table 16D and footnote 3 in the land use code.

Monika Griesenbeck of Salida said the H Street rebuild has been handled badly.

V. PRESENTATION

1. Water Treatment Plant Update and Phase II Plans and Cost – Bob Salmi, Public Works Director and Warren Swanson, SGM

Salmi introduced Swanson. Swanson referenced a presentation in the city council packet for the record.

MacDonald said staff needs direction as to whether to apply for supplemental DOLA funding, whether to preorder materials for Phase II and direction regarding capacity for 2 million gallons a day or 4 million gallons a day.

MacDonald said direction regarding May 6, 2014.

Yerkey suggested going with the 2mgd and apply for the supplemental DOLA funding.

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

2. Atmos Energy/Common Ground Alliance National Safe Digging Month Proclamation – Mayor Jim Dickson

Dickson read a proclamation for Atmos Energy / Common Ground Alliance National Safe Digging Month.

3. Recognition of National Service Proclamation – Mayor Jim Dickson

Dickson read a proclamation for Recognition of National Service.

VI. NEW BUSINESS

Hallett made a motion for the powers and duties of city administrator position to be on the next council agenda. Brown seconded the motion.

MacDonald said her powers and duties are in the job description, state statute, and in her contract.

Council agreed to withdraw the motion. Council gave staff direction to deliver those items MacDonald referenced to Council.

Hallett said that questions from public should be considered. She said we need an opportunity to respond to letters from public and have flexibility to have public hearings on the first reading.

Hanlon said he was not sure if statutory cities can have public hearings on the 1st reading, but he would look into it.

VII. SCHEDULED ITEMS

1. Consent Agenda (Audrey Gilpin)

- Approval of Agenda
- Approval of Minutes: March 18, 2014
- Property Requests & Special Event Liquor Permits: 1) SteamPlant Street Closure Request for the Colorado Creative Industries Summit April 29th through May 3rd 2) Salida Chamber Brewers Rendezvous Property Request and Special Event Liquor License July 12th 3) Salida Chamber Wine Fest Property Request August 30th

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

2. Solar Power Purchase Agreement 2nd Reading and Public Hearing (Dara MacDonald)
Ordinance 2014-04 approving a solar power purchase agreement with SS Salida, LLC.

MacDonald referenced a memo provided in the city council packet for the record. She referenced a small number of changes in the agreement.

Hanlon addressed appropriations.

Dan Ferguson referenced a local installer and answered questions from Council.

Dickson opened the public hearing.

Curtis Scheib with Eco Depot said he partnered with Group-o-tec as the local installer. He said Eco Depot never dropped the ball. He said Council agreed to sign a letter of intent, and he said the letter of intent was never signed. He said he does not know what happened between the two attorneys.

He said that the City has violated state statute to not go out to bid on this process.

Hanlon said the City is entering into a power purchase agreement. The City is not installing anything. Hanlon said he would suggest an emergency executive session as he believes Scheib will sue the City.

Jeff Auxier of Salida said he has spent the last four years of his life fighting coal companies for public service. Auxier said Mr. Hanlon is entitled to his opinion. Auxier said Scheib has been mistreated. He said he knows this is a sensitive situation based on Xcel's rebates.

Vern Davis of Salida asked Ferguson if Lighthouse has the 6 percent rate solid.

Ferguson said the rate has not been released yet.

Billy Carlisle of Salida said he does not know much about the subject, but he said he thinks the process has been rushed. He said he thinks that Hanlon has lobbied for a certain vendor. He said the local vendor hasn't been given a fair choice.

MacDonald said Rifle used the same company. She said that Hanlon has not been involved in any of the negotiations except for reviewing the contracts. She said she takes offense that Carlisle and Auxier claim there has been nefarious actions yet those claims aren't substantiated.

Baker said personal attacks are uncalled for.

Rogers said she resents being told that someone is influencing her opinions.

Discussion continued.

Hanlon said he gets to listen to people lie about him, and he can't defend himself. He said he does not know the solar firm, and Auxier created a history that doesn't exist. He said he wanted to take out the five year appropriation in the contract, and that it is his job to review the contracts in the best interest of the City.

Miller said he thinks solar is a good thing for this community.

Dickson closed the public hearing.

Rogers made a motion to approve Ordinance 2014-04 an ordinance of the City Council of the City of Salida, Colorado, approving a solar power purchase agreement with SS Salida, LLC, and ordering the ordinance to be published by title only. Yerkey seconded the motion.

Baker said he is not addressing anything toward Scheib. Baker said he saw a copy of the red lined contract. He said the City did not have a PPA from Group-o-tec. He said it is nothing against Scheib.

Dickson called for a roll call vote. In a 4-2 vote, THE MOTION CARRIED. Bowers and Hallett had the dissenting votes.

3. Chapter 16 Land Use Code Adoption 1st Reading (Michael K. Yerman)

Ordinance 2014-05 repealing and reenacting Chapter 16 of the Salida Municipal Code, Land Use and Development Code adopted by the City of Salida via Ordinance 2012-24 and amending parts

thereof.

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

Council discussed the revisions to articles within the code that are addressed in the packet.

Yerkey motioned to approve Ordinance 2014-05, an ordinance of the City Council for the City of Salida, Colorado, repealing and reenacting Chapter 16 Land Use and Development of the Salida Municipal Code, and ordering the ordinance to be published in full and setting the public hearing for April 15, 2014 and including the striking of “knowingly” in 16-2-80 (a) permits issued which conflict with land use code and adding the following to 16-2-80 (b) permits issued based on false or erroneous information “In the event a permit is issued on erroneous information not knowingly and intentionally provided the permit holder shall correct the erroneous information and shall bring the permit into compliance with the code. If such compliance is impossible or impracticable the permit shall be revoked.” Baker seconded the motion.

Hallett asked who reviews permits. She said the city administrator has a lot of power.

MacDonald referenced revisions of code.

Yerman said using the code for a year has been successful.

Mayor Dickson asked for a roll call vote. With all in consensus, THE MOTION CARRIED.

- 4. Caboose Landmark Designation 2nd Reading and Public Hearing** (Michael K. Yerman)
Ordinance 2014-06 designating the 1886 Narrow Gauge Caboose #0576 A Local Historic Landmark.

Yerkey motioned to continue the 2nd reading and public hearing of the caboose landmark designation to next meeting. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

- 5. Allow Medium Sized Trees 1st Reading** (Dara MacDonald)
Ordinance 2014-06 amending Chapter 11 of the Salida Municipal Code.

Brown made a motion to approve Ordinance 2014-17, an ordinance of the City Council of the City of Salida, Colorado, amending Section 11-5-10 (d) of the Salida Municipal Code, and ordering the ordinance to be published in full. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

- 6. 2014 Budget Amendments and Public Hearing** (Jan Schmidt)
Resolution 2014-24 appropriating additional sums of money to defray expenses in excess of amounts budgeted for the 2014 budget year.

Brown requested account level detail for amendments.

Brown motioned to continue the hearing for the 2014 budget amendment resolution. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

- 7. First Street Merchants Signage Request** (Michael K. Yerman)
Resolution 2014-25 approving signs on public property for the merchants on First Street.

Baker made a motion to approve Resolution 2014-25, approving the signs on public property for the First Street Merchants until June 30, 2014. Brown seconded the motion. With all in consensus, THE MOTION CARRIED.

8. Creative Sign Bid Award (Michael Varnum)

Resolution 2014-26 awarding the Creative District Sign Project.

Varnum referenced a memo provided in the city council packet for the record and a presentation of the describing the designs.

Varnum said the public art task force recommended delaying the Riverside Park sign in order to receive more detailed designs.

Baker made a motion to approve Resolution 2014-26, a resolution of the City Council of the City of Salida, Colorado, awarding the Creative District Sign Project to Shelby Cox for one sign and to Kamber Sokulsky for one sign and to approve the City Administrator to enter into contracts with Shelby Cox and Kamber Sokulsky for the creation of the Creative District Signs. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

9. Wayfinding Bid Award (Michael K. Yerman)

Resolution 2014-27 approving the award of a fabrication contract for wayfinding sign.

Baker made a motion to continue the wayfinding bid award to next council meeting. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

10. Eliminate Motion to Go Past 8:00 p.m. (Dara MacDonald)

Resolution 2014-28 allowing City Council meetings to go past 8 p.m. without a motion, second and affirmative vote of Council.

Baker made a motion to approve Resolution 2014-28, a resolution of the City Council of the City of Salida, Colorado, allowing city council meetings to go past 8:00 p.m. without a motion, second and affirmative vote of council. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

11. Administrator/City Attorney/Deputy City Clerk

- a. City Administrator Report – Dara MacDonald
 - 1.) KHEN Request

MacDonald referenced a request from KHEN. There was no action taken by Council on the request.

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

12. Elected Official Reports

- City Treasurer – Cheryl Brown-Kovacic – No report.
- City Clerk – Betty Schwitzer – No report.
- Mayor – Jim Dickson – No report.
- City Council- Keith Baker, Michael Bowers, Melodee Hallett, Eileen Rogers, Hal Brown and Tom Yerkey. – No report.

Baker made a motion to adjourn at 10:21 p.m. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.



[Handwritten Signature]

Mayor

[SEAL]

[Handwritten Signature: Audrey Gilpin]

Submitted by Deputy City Clerk, Audrey Gilpin

