



**MEETING MINUTES OF THE CITY COUNCIL**  
**City Council Chambers**  
**448 East 1<sup>st</sup> Street, Room 190**  
**City of Salida, Colorado**  
**Tuesday, April 15, 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 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.

MacDonald read a statement regarding the Arts and Recreation Department.

Brown thanked MacDonald for her response. He said the recent controversy opened the conversation regarding the department and will undoubtedly make changes in the structure of city business. He referenced group dynamics within the new Council. He said that Council is at the storming phase. He said conflict is normal and necessary.

Yerkey said he is glad MacDonald took time to read her statement, and he thinks the arts and recreation department is a good idea.

Bowers said he doesn't agree with the move. He said he is appalled by the action.

Yerkey asked if Bowers understood the departments are not consolidated.

Discussion continued.

Hallett said it is easier to ask for forgiveness than going along with proper procedure. She said she's not against it, but she does not like the procedures.

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

Billy Carlisle of Salida said he appreciates the diligence of the new Council. He said he sent Council an e-mail. He asked how many council members knew the merger was happening. He said there is a conflict with Chapter 2 of the Salida Municipal Code.

Mary Ann Katya of Salida said she there were 27 piles of deer poop in Alpine Park and asked council what they were going to do about it.

Monika Griesenbeck of Salida said she doesn't enjoying coming to the podium. She asked if the

departments are merged or not. She said she is getting the impression that three council members are in the dark. She thinks that council is not acting in the citizens' interest.

Cynda Green of Salida asked if there is an arts and recreation department.

MacDonald confirmed.

Green said the people do not want a government that violates statutes and contracts.

Jeff Auxier of Salida handed out paperwork regarding another lawsuit in relation to Chapter 16 of the Salida Municipal Code and discussed it. He said he doesn't see how budgets aren't consolidated with the arts and recreation department. He addressed Yerkey's comment during the work session.

Cathy Chochon of Salida said she thanked whoever is responsible for YouTube and Channel 10, and she said the quality isn't the best.

## V. PRESENTATION

### 1. Introducing New Police Officer Nicholas Tolsma – Terry Clark, Salida Police Chief

Clark introduced and welcomed Tolsma.

## VI. NEW BUSINESS

## VII. SCHEDULED ITEMS

### 1. Consent Agenda (Audrey Gilpin)

- Approval of Agenda
- Approval of Minutes: April 1, 2014
- Property Requests & Special Event Liquor Permits: 1) Salida Recreation Earth Day Animals in Park request April 15 2) Max Keller Street Closure Request May 1<sup>st</sup> 3) Bluegrass on the Arkansas Special Event Liquor License and Property Request May 24 4) Mon-Ark Shrine Club Special Event Liquor License June 13-14 5) Salida Arts Festival Property Request and Overnight Camping Request July 12

Gilpin said that Max Keller has rescinded his street closure request and is working with Michael Varnum and CCI.

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

### 2. Chapter 16 Land Use Code Adoption 2<sup>nd</sup> Reading and Public Hearing (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.

Hanlon said Michael Yerman is not available tonight. He suggested council open the public hearing and make a final decision at the regular meeting May 6th.

Dickson opened the public hearing.

Jeff Auxier of Salida said there was a notice of hearing before we had the final text. He said the administrator would have an incredible amount of authority, and he said people are angry. He said footnote 3 was never properly explained by Yerman. He referenced a section in the code that relates to his lawsuit regarding Jon Fritz. He said these changes create lawlessness. He said he is not personally attacking Hanlon.

Monika Griesenbeck of Salida said she would like to submit a formal objection to the land use code. She said her concern is footnote 3 on Table 16D.

Tony Niemann of Salida said he came to the council meeting because Jeff Auxier posted on Salida Citizen. He said his concern was addressed, and he said thanks to staff and council for their work. Laurie Lau of Salida said she disagrees with Auxier. She said this is a good code, and the building community is about 30 percent of the economy. She said the vagueness of the passing of the land use code is not good for the building community, and she encouraged council to give direction to the builders in the community by passing the code.

Cathy Chochon of Salida said she feels bad for council. She asked whether footnote 3 applies to mobile or residential homes. She encouraged council to not put enlarging or modifying in the footnote without giving public notice. She said she doesn't want a non-confirming use to be allowed to be modified. Baker explained the footnote.

Yerkey asked Hanlon to have Yerman address the footnote.

Cynda Green of Salida said she is confused.

Discussion continued.

Bob Bigelow said he is a surveyor and referenced several additions. He said there are numerous encroachments into setbacks. He requested the variance continue to exist.

MacDonald said that this request regarding the footnote language was made by the public at a planning commission meeting.

Billy Carlisle of Salida said he doesn't understand the land use code, but he thinks the process should be straightforward. He said that there should be flexibility. He said decisions should not be made without the public process.

Jan Sebastian said he has not been following this issue, but he said that this arises from a trailer being put on a vacant lot, which he thinks is a violation of the code.

Baker clarified that there was another a mobile home on the site, but a newer one was put on the same property.

Ernie Marcus of Salida said he has a building in town that is non-confirming. He suggested having a matter of right for current footprint and to have a variance to expand the non-confirming use.

Vern Davis of Salida asked if all of the changes could be summarize.

MacDonald said all of the changes are in the cover memo provided in the city council packet.

Dickson closed the public hearing.

**Yerkey motioned to continue 2<sup>nd</sup> reading and public hearing of Ordinance 2014-05 to the next regular meeting May 6th. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.**

MacDonald asked for direction.

Baker agreed with the matter of right for setbacks in relation to the current footprint of a home.

Hanlon said even if a homeowner has to rebuild, they will still need to confirm to the building code and fire code.

Bowers agreed with Marcus and Baker.

### **3. Caboose Landmark Designation 2<sup>nd</sup> Reading and Cont'd Public Hearing**

(Michael K. Yerman)

Ordinance 2014-06 designating the 1886 Narrow Gauge Caboose #0576 A Local Historic Landmark.

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

Dickson opened the public hearing.

Green asked for clarification regarding a statement made by MacDonald.

MacDonald said after Green contacted the Union Pacific, the Union Pacific asked to have specific language in the ordinance not tying the landmark designation to the land but only to the caboose.

Katy Grether of Salida said she wanted to commend the years some members of council and administration have worked to keep the historic district intact. She said Historic Salida supports this effort.

Jeff Auxier of Salida said property owners have put in a lot of time, money and sweat to make the

downtown district what it is.

Monika Griesenbeck of Salida said it is good to recognize what built Salida, and that is the railroad. Dickson closed the public hearing.

**Brown motioned to approve Ordinance 2014-06, an ordinance of the City Council of the City of Salida, Colorado, designating the 1886 narrow gauge caboose #0576 as a local landmark, ordering the ordinance to be published in full. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.**

**4. Allow Medium Sized Trees 2<sup>nd</sup> Reading and Public Hearing (Dara MacDonald)**

Ordinance 2014-07 amending Chapter 11 of the Salida Municipal Code.

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

Dickson opened the public hearing.

Bob Grether of Salida spoke in favor of the ordinance.

Monika Griesenbeck of Salida asked about tree canopy and whether there is a plan to replace or plant trees. She asked how she can serve on the Tree Board.

MacDonald said referenced the Adopt-a-Tree program run by the Tree Board.

Marilyn Moore of the Salida Tree Board spoke about Tree Board membership and the species of medium sized trees.

Jeff Auxier of Salida referenced the solar effect on trees and their placement on the street.

Dickson closed the public hearing.

**Yerkey motioned to approve Ordinance 2014-07, 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 by title only. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.**

**5. 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.

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

Dickson opened the public hearing.

Jeff Auxier of Salida asked if there is a budget amendment. He said all he is asking for a clear budget.

Yerkey referenced the lawsuit.

Hanlon suggested Yerkey not engage in the conversation with Auxier given the lawsuit.

Brown said the line by line detail is on the website. He said he is satisfied, and the visibility is there. He said he doesn't understand why there is a thought out there that the detail doesn't exist.

Monika Griesenbeck of Salida said she hopes that next year the Council will do better in regards to the budget. She said she would like Council to find the \$5,000 to support ArtWalk.

Billy Carlisle of Salida said he is looking forward to a budget that mirrors other communities in detail.

Dickson closed the public comment.

**Baker made a motion to approve Resolution 2014-24, a resolution of the City Council of the City of Salida, Colorado, appropriating additional sums of money to defray expenses in excess of amounts budgeted for the 2014 budget year and amend section 2, paragraph 6 to reflect \$4,000 for the caboose. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.**

**6. Toubert Building Lease for Department of Human Services, Division of Vocational Rehabilitation 1<sup>st</sup> Reading (Jan Schmidt)**

Ordinance 2014-08 approving a lease agreement for property located at 448 East First Street with the Colorado Department of Human Services, Division of Vocational Rehabilitation; setting a public hearing for May 6, 2014 and ordering the ordinance be published in full.

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

**Rogers motioned to adopt Ordinance 2014-08, an ordinance of the City Council of the City of Salida, Colorado, approving a lease agreement for property located at 448 East First Street with the Colorado Department of Human Services, Division of Vocational Rehabilitation; setting a public hearing for May 6, 2014 and ordering the ordinance be published in full. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.**

**7. Reciprocal Toubert Building Leases between City of Salida and Chaffee County 1<sup>st</sup> Reading (Jan Schmidt)**

Ordinance 2014-09 approving reciprocal leases between the City of Salida and Chaffee County; setting a public hearing for May 6, 2014 and ordering the ordinance be published in full.

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

**Yerkey motioned to adopt Ordinance 2014-09, an ordinance of the City Council of the City of Salida, Colorado, approving reciprocal leases between the City of Salida and Chaffee County, setting a public hearing for May 6, 2014 and ordering the ordinance be published in full. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.**

**8. Amendment to Union Pacific Parking Lot Lease 1<sup>st</sup> Reading (Dara MacDonald)**

Ordinance 2014-10 approving a supplemental agreement to the lease with Union Pacific Railroad Company, and ordering the ordinance to be published by title only.

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

**Rogers motioned to approve Ordinance 2014-10, an ordinance of the City Council of the City of Salida, Colorado, approving a supplemental agreement to the lease with Union Pacific Railroad Company, and ordering the ordinance to be published by title only. 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 signs.

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

Brown asked if we have an obligation to go with the lower bid.

Hanlon said this is a request for proposals.

**Bowers motioned to approve Resolution 2014-27, approving the wayfinding bid award to Workshop Design and authorizing the City administrator to execute a professional services contract for the fabrication of wayfinding signs. Brown seconded the motion. With all in consensus, THE MOTION CARRIED.**

**10. Sign on Public Property Request for Caboose (Michael K. Yerman)**

Resolution 2014-29 approving an off-premise sign in front of the 1886 Caboose.

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

**Bowers motioned to approve Resolution 2014-29 approving an off-premise sign in front of the 1886 Caboose. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.**

**11. Accepting Infrastructure Improvements (Jan Schmidt)**

Resolution 2014-30 accepting infrastructure improvements included in the project scope of the 2011 drinking water revolving fund direct loan.

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

**Yerkey motioned to approve Resolution 2014-30, a resolution of the City Council of the City of Salida, Colorado, accepting infrastructure improvements included in the project scope of the 2011 Drinking Water Revolving Fund Direct Loan. Brown seconded the motion. With all in consensus, THE MOTION CARRIED.**

**12. Tenderfoot Cancer Climb Park Rental Fee Waiver Request (Audrey Gilpin)**

Gilpin referenced a memo provided in the city council packet.

Hallett asked questions regarding the policy for community support requests and the monies transferring between funds.

Baker recommended appropriating \$2,000 to \$3,000 dollars to the Community Support Request Fund.

**Bowers motioned to include \$3,000 for requests that from non-profits and requests no larger than \$300 for park fee waivers. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.**

Audience members gathered donations to give to the Tenderfoot Cancer Climb.

**13. 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.

Gilpin referenced a memo provided in the city council packet.

Rogers passed out a document that was included in the April 1<sup>st</sup> work session packet for the record.

Rogers suggested adding council relation with staff to the proposed Code of Ethics. She suggested not taking action tonight, adding council conduct with city staff and reviewing the document at the May 6<sup>th</sup> regular meeting.

Bowers said we can't get our hands too tight on some stuff. He said he would like a definition of what a "personal attack" is.

Rogers said her concern is relationship with staff.

Bowers said he has had employees that have come to him about being dissatisfied.

Hallett said that goes back to her request about employees having a whistle blower and grievance forms and procedures.

MacDonald said a whistle blower policy will be included in the personnel manual.

Bowers said we do not have a city manager.

**Rogers motioned to add council conduct with staff to the draft that Gilpin has put together and bring that forward May 6<sup>th</sup> at the regular meeting. Baker seconded the motion. In a 4-2 vote, THE MOTION CARRIED. Rogers, Yerkey, Baker, and Hallett voted yes. Bowers and Brown voted no.**

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

a. City Administrator Report – Dara MacDonald

MacDonald clarified that Poncha Springs and Salida customers pay the same rate for sewer.

MacDonald referenced a lease with Amigo.net. Council gave direction to bring a lease with Amigo.net to a council meeting for consideration.

MacDonald referenced two special event liquor license applications that were submitted April 15<sup>th</sup> for

events May 1<sup>st</sup> and May 3<sup>rd</sup>.

**Yerkey motioned to set a special meeting at 6 p.m. April 28<sup>th</sup> to review the special event liquor license applications. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.**

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

Hanlon referenced needing direction from Council on several issues.

**Rogers motioned to schedule a special meeting and executive session at 6:00 p.m. April 21, 2014 to discuss Auxier v. City of Salida et al Case No. 13CV030003 and Dale Lee v. City of Salida et al and to discuss budget implications of both. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.**

**Rogers motioned to give city attorney authority to file an appeal if necessary before the meeting April 21<sup>st</sup> regarding the Auxier lawsuit. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.**

**Baker motioned to give city attorney authority to file a responsive case in relation to Dale Lee if need before April 21<sup>st</sup> meeting. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.**

c. Deputy City Clerk Report – Audrey Gilpin – No report.

## **15. Elected Official Reports**

- City Treasurer – Cheryl Brown-Kovacic

Brown-Kovacic gave a positive sales tax report.

- City Clerk – Betty Schwitzer
- Mayor – Jim Dickson
- City Council- Keith Baker, Michael Bowers, Melodee Hallett, Eileen Rogers, Hal Brown and Tom Yerkey.

**Baker motioned to adjourn to executive session at 9:28 p.m. for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(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. (2) 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 THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: Employment Agreements. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.**

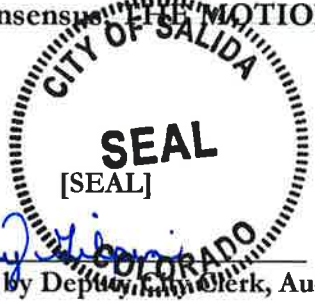
Hallett said she would like to not have the lawyer present during executive session. No one seconded.

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

Executive session concluded at 10:25 p.m.

Brown said that for the record, Council has come out of executive session, and no action has been taken.

**Brown motioned to adjourn at 10:27 p.m. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.**



Mayor

Submitted by Deputy City Clerk, Audrey Gilpin