



MEETING MINUTES OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, June 3, 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 Clerk Betty Schwitzer, City Administrator Dara MacDonald, Assistant City Attorney Jeffrey Conklin and Deputy City Clerk, Audrey Gilpin.

Absent was City Treasurer Cheryl Brown-Kovacic.

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

Kat McQuillen of Tenderfoot Health Collective asked if Council had received the letter from her attorney, Gard & Bond, LLC. She handed the letter to Council. She said there seems to be confusion around the retail marijuana ordinance. She referenced a September 3, 2013 Council meeting. McQuillen handed a video clipping of the September 3rd City Council meeting for MacDonald to play, but the volume did not work. She asked what the first licensing year is in this ordinance. She said there is no timeline in the ordinance and in no place in the ordinance is there a deadline.

Colleen Kunkel of Salida said she still has interest in Tenderfoot Health Collective. She remembers the vote as well. She said that the City's lawyers are not marijuana lawyers. She said the ordinance did not reference reviewing applications in order of receipt.

Gilpin referenced 6-3-140 of the Salida Municipal Code that states applications deemed complete shall be processed by the Local Licensing Authority in order of receipt and incomplete applications will be rejected.

Bowers said questions need to be cleared up regarding a year deadline.

Billy Carlisle of Salida referenced more community input. He said Baker and Yerkey have been too involved in the NRCDC.

Jimmy Descant of Salida thanked Council for seeing the viability of a public access channel. He said he supported McQuillen's business.

Christina Snyder of Salida asked if Council would be able to put a moratorium on issuing licenses, and she said there should be a deadline.

Bowers said maybe a moratorium is in order.

Council gave staff direction to bring an agenda item regarding retail marijuana to the June 17th regular meeting.

Monika Griesenbeck of Salida addressed the Mayor. She suggested posting of public meetings should be on the bulletin board at the C Street entrance of the Touber Building. She said Baker indulged in a temper tantrum, and she wishes the Mayor would have done something.

Bowers said the outside bulletin board should be the official posting place.

Council gave direction to make the outside bulletin board the official posting place.

Nancy Dominick of Chaffee County said the speaker system in the Chambers is terrible. She suggested Baker and Yerkey relinquish their seats on the City Council to be on the NRC Board.

Ray Kitson referenced Judge Barton's order regarding the Auxier budget lawsuit.

Conklin said the order Kitson read from is a public document.

Vern Davis of Salida asked the Mayor to enforce decorum.

V. PRESENTATION

1. Introduce Kelly Finkowski, Planning Intern – Kristi Jefferson

Kristi Jefferson introduced Kelly Finkowski to City Council.

VI. NEW BUSINESS

There was no new business discussed.

VII. SCHEDULED ITEMS

1. Consent Agenda (Audrey Gilpin)

- Approval of Agenda
- Approval of Minutes: May 20, 2014 and Special Meeting Minutes May 28, 2014
- Roof Bid Award for Touber Building

Yerkey made a motion to combine and approve the second and third items. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

2. Approval of Agenda

Brown motioned to remove item 8 from the agenda. Bowers seconded the motion.

Hallett suggested moving the item to the July 1st Council meeting since she will not be present June 17th.

Brown said he would like all the voting members of the Council to be present for this item.

Brown amended the motion to carry the NRCDC Board appointment agenda item to the July 1st City Council meeting. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

3. Ploughboy Wine and Beer License Application and Public Hearing (Audrey Gilpin)

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

Baker asked about controlling the premise.

Kerry Nelson, applicant, responded regarding fencing and physical barriers.

Dickson opened the public hearing.

Jim Miller of Salida said he is a property owner adjacent to Ploughboy, and he is in support of the license.

Dickson closed the public hearing.

Baker motioned to approve a Beer and Wine License for Ploughboy, Inc. at 311 H Street, Salida. Brown seconded the motion. With all in consensus, THE MOTION CARRIED.

4. Revisions to Pay Plan 2nd Reading and Public Hearing (Jan Schmidt)

Ordinance 2014-15 amending the 2014 pay plan policy.

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

Brown referenced the administrative changes.

Bowers asked what Council's role is.

Schmidt referenced the ordinance.

Brown said he has a problem with creating a new position that didn't previously exist. He said he thinks that should be approved during the budget cycle. He said he has no problems with the benefit package.

He said creating a new position overrides the authority of the city administrator.

Hallett asked what the city administrator and council duties are. She said council is not doing their fiduciary responsibilities.

Brown said the proper way to bring a new position for approval is through the budget process.

Bowers asked about the job opening for the pool and accused staff of lying about the bookkeeper position not previously being filled.

Discussion continued.

Schmidt referenced the arts and recreation director position and said there was an organizational merger, but the finance structure did not change.

Yerkey said he would like to adopt the pay plan as presented.

Brown said he would like to strike the Arts and Recreation Manager position from the pay plan and "including but not limited to" within Paragraph 3 of the ordinance.

Hallett said she would like to see the chief executive term taken out of the pay plan and make it chief administrator.

Discussion continued.

Dickson opened the public hearing.

Monika Griesenbeck of Salida said her primary concern is that citizens do not elect the administrator to make our laws. She said Council should do this correctly, and she said the administrator is being allowed to legislate. Her formal objection is in paragraph #3 of the ordinance based on the wording "including but not limited to." She referenced Exhibit A "Arts and Recreation Director" as another objection.

She said the changes should be limited to only those necessary for health benefits open enrollment.

Billy Carlisle of Salida said he wants to support all of Council. He said he thinks the administrator is capable, and that Council should provide parameters. He said he thinks the budget is illegal.

Vern Davis of Salida asked if Theresa Casey is going to be responsible for two different departments, how does that travel get compensated.

Hallett said MacDonald breached her contract.

Yerkey motioned to adopt Ordinance 2014-15, an ordinance of the City Council of the City of Salida, Colorado, amending the 2014 pay plan policy encompassing compensation policies and salary ranges; setting a public hearing for June 3, 2014 and ordering the ordinance be published by title only and amending page 8 to replace chief executive with city administrator. Baker seconded the motioned.

Hallett asked if the merger is there or not and said she is lost.

Gilpin conducted a roll call vote. Baker, Yerkey and Rogers voted yes. Brown, Bowers and Hallett voted no. Mayor Dickson broke the tie with a yes vote, and THE MOTION CARRIED.

5. **Colorado Workforce Center Touber Building Lease 1st Reading** (Jan Schmidt)
Ordinance 2014-16 approving a lease agreement with the Colorado Department of Labor and Employment.
Schmidt referenced a memo provided in the city council packet for the record.

Baker motioned to adopt Ordinance 2014-16, an ordinance of the City Council of the City of Salida, Colorado, approving a lease agreement for property located at 448 East 1st Street with the Colorado Department of Labor and Employment, ordering the ordinance be published in full and setting a public hearing date of June 20, 2014. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

6. **ArtWalk Sign Request** (Kristi Jefferson)
Jefferson referenced a memo provided in the city council packet for the record.
William Boddy referenced sign materials and the buildings that the sign will be attached to.

Baker motioned to approve the request to erect a banner across F Street between the Adilas Building at 215-221 F Street and the Milagros Design, LLC building (across the street) at 222 F St. with one condition:

1. **That the applicants submit a report on the hangers or fasteners certified by a Colorado-licensed structural engineer prior to installation.**

Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

Baker motioned to approve \$200 taken from the Community Support Request fund to defray the cost of engineering fees. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.

7. **Historic Planning Commission Membership 1st Reading** (Kristi Jefferson)
Ordinance 2014-17 adopting new regulations for the HPC in Chapter 2 of the Salida Municipal Code.
Jefferson referenced a memo provided in the city council packet for the record.

Rogers motioned to approve Ordinance 2014-17, an ordinance of the City Council of the City of Salida, Colorado, adopting new regulations for the Historic Preservation Commission in Chapter 2 of the Salida Municipal Code, setting the public hearing date for June 17, 2014, and ordering the ordinance to be published in full. Yerkey seconded the motion. With all in consensus, THE MOTION CARRIED.

8. **Planning Commission Appointment** (Kristi Jefferson)
Resolution 2014-39 approving citizen appointments to the Planning Commission.
Jefferson referenced a memo provided in the city council packet for the record.

Baker motioned to approve Resolution 2014-39, a resolution of the City Council of the City of Salida, Colorado, approving the re-appointment of Aaron Mandelkorn as regular member of the Planning Commission. Brown seconded the motion. With all in consensus, THE MOTION CARRIED.

9. Administrator/City Attorney/Deputy City Clerk

a. City Administrator Report – Dara MacDonald

1.) Marvin Park Lights

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

Brown motioned to move forward with replacement of the lights and pole. Rogers seconded the motion. With all in consensus, THE MOTION CARRIED.

2.) Dog Park

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

3.) Joint Meeting with Planning Commission

MacDonald said a joint meeting with the Planning Commission may occur June 17th at 6:00 p.m.

4.) Union Pacific

MacDonald said she has had recent discussions with Union Pacific who are working with FIBArk for overnight parking for their vendors. She said they are discussing at grade crossing where gate is at behind caboose to meet with CR 177. She said this discussion has been occurring for 5 to 7 years. She said there would be surveying cost that the City would need to cover if the project were to move forward.

5.) Cotapaxi 3rd Graders

MacDonald referenced a picture of Cotapaxi 3rd Graders who recently come to City Hall.

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

c. Deputy City Clerk Report – Audrey Gilpin

1.) Open Records Policy

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

2.) Higher Education Survey

Gilpin encouraged citizens to complete the Higher Education Community Survey.

3.) Public Forum

Gilpin referenced a memo provided in the city council packet for the record. Council gave staff direction to move forward with the public forum.

10. Elected Official Reports

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

Bowers said he has heard complaints regarding a dip on F Street, and he mentioned pot holes on 5th Street.

Hallett said the NRC needs to be discussed.

VIII. EXECUTIVE SESSION –

Rogers motioned to adjourn to executive session at 9:58 p.m. for a conference with the City Attorney for the purpose of receiving legal advice on special legal questions under C.R.S. Section 24-6-402(4)(b); AND THE FOLLOWING ADDITIONAL DETAILS ARE PROVIDED FOR IDENTIFICATION PURPOSES: 1) specifically to discuss Auxier v. City of Salida et al Case No. 13CV30068. Baker seconded the motion. With all in consensus, THE MOTION CARRIED.

Mayor Jim Dickson called the executive session to order at 10:02 p.m.

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

IX. REPORT/ACTION ON EXECUTIVE SESSION MATTERS

Council returned to Council Chambers at 10:10 p.m.

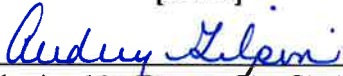
Baker motioned to reject latest offer from Auxier regarding the budget lawsuit. Rogers seconded the motion. In a 5-1 vote, THE MOTION CARRIED. Hallett had the dissenting vote.

Baker motioned to adjourn 10:11 p.m. Bowers seconded the motion. With all in consensus, THE MOTION CARRIED.



Mayor

[SEAL]


Submitted by Deputy City Clerk, Audrey Gilpin

