

CITY OF ANGELS  
CITY COUNCIL  
MINUTES

**Tuesday, September 17, 2013**

Council Members Present: Mayor Elaine Morris, Vice Mayor Jack Lynch, Wes Kulm and Bert Sobon

Absent: Stuart Raggio

Staff Present: Michael McHatten, Derek Cole, Dave Myers, Todd Fordahl, Dave Hanham, Julie McManus and Mary Kelly

**4:30 p.m. CALL TO ORDER**

Chair Morris called the City Council meeting to order at 4:30 p.m. The City Council convened to closed session. Chair Morris reconvened to open session.

**6:00 p.m. REGULAR MEETING**

**ACTION TAKEN IN CLOSED SESSION**

- A. CONFERENCE WITH LABOR NEGOTIATOR(S):** Pursuant to California Code 54957.6 Misc-Exempt MOU City Negotiator: Michael McHatten, City Administrator; Patrick Clark, Patrick Clark Consulting  
Council Action: Direction given to staff
- B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**  
Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Difu, Croletto, Rosato and Turco v. City of Angels Camp, and City of Angels Camp Landscaping and Lighting District #1, Calaveras County Superior Court, Case No.13-cv-39523  
Council Action: Direction given to staff
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9  
Council Action: Direction given to staff

**APPROVAL OF AGENDA**

MOTION by Council Member Kulm, seconded by Council Member Sobon and carried 4-0 APPROVING THE AGENDA AS PRESENTED.

**STAFF UPDATES**

The Council had no questions regarding the comprehensive staff report included in the packet. Council Member Lynch said he appreciated the thoroughness of the report.

**COUNCIL UPDATES**

**Jack Lynch**

- Attended Gold Rush Day meetings.
- Attended LAFco – approval of subdivision and annexation of lands for Calaveras Estates.

**Wes Kulm**

- Attended CCOG
- Attended DAC

### **Bert Sobon**

- Attended CCOG as observer
- Attended LAFco

### **Elaine Morris**

- Attended CCOG
- Attended CSEDC. Discussed work plan and grant funding for next year.

### **PUBLIC COMMENT**

Public comment period was opened at 6:10 pm.

**Anne Forrest** – ACBA president

Announced there are only two more Fridays before the end of the farmers market. On 9/27 there will be a special chicken in the barrel dinner (\$10.00) and vendors and sponsors will be honored.

### **FEATURE BUSINESS PROGRAM**

**Dan Kohnen** – Manager, Savemart

Mr. Kohnen explained he has worked with Savemart for 21 years – 8 years as store manager in Sonora. Savemart is privately owned and employs 85 workers. He is currently recruiting 10 more. He stated that Savemart relies on its customers and the tourist trade – they are in the “people business” and just happen to sell groceries. The last 5 years has seen a tough economy but the Angels Camp Savemart has done well. He has managed stores in Sonora and Oakdale. Mr. Kohnen is involved with the rotary and wants to be part of the community. Savemart has a community awards program – Shares- where 3% of purchases are given to non profits. They will be supporting Gold Rush Day and Taste of Calaveras.

Council Member Kulm pointed out that Savemart also is a supporter of the Calaveras Food Bank. Council Member Lynch complimented him on the training efficiency of the employees. Council Member Sobon said he enjoyed the senior Tuesday gatherings. Mayor Morris asked if Savemart would be supporting Santa’s Express and Mr. Kohnen said they probably would be.

### **CONSENT AGENDA**

**MOTION** by Council Member Lynch, seconded by Council Member Sobon and carried 4-0 **ADOPTING THE CONSENT AGENDA ITEM AS PRESENTED:**

- a. Approve Minutes of Regular meeting September 3, 2013

### **REGULAR AGENDA**

#### **1. ACCEPT DEDICATION OF KIRBY STREET**

Dave Myers, City Engineer explained that in 1980 a portion of Kirby Street was offered for dedication on a parcel map to the City by the owners. At that time the City rejected the offer. This information was discovered in April of this year when the City was investigating a complaint regarding the use of the road. The road is currently blocked by large trailers and access is being discouraged. The City Engineer is recommending the City act on the offer of dedication from the parcel map by accepting the dedication of the road for public use. The City has utilities in the roadway.

The City Attorney stated that he concurs with the recommendation of the Engineer. Council Member Kulm asked if the trailers will be removed and neighbors noticed when the dedication is recorded.

**Mike Fish** – resident of Kirby Street

Mr. Fish stated that the trailers discussed belong to him. He pays taxes on the parcels and on the road. He asked how the City can take back the road and promised that the Council would see him again in court.

The City Attorney explained that the owners of the parcels dedicated this road for public use. It was an irrevocable offer of dedication. Mr. Fish did not acquire this when he bought the property.

**Bob Menary** – owner of parcels on Kirby Street

Mr. Menary stated that he owns 700 & 708 on Kirby Street. He said the title company went over the requirements with him and he was satisfied. His tenants cannot get to their home because the trailers are in the way. He thanked the Council for working on this.

Council Member Kulm stated that the property owners signed the parcel map and it all is pretty straight forward. He is in favor of adopting the resolution as recommended. Mr. Lynch agreed.

**MOTION:** by Council Member Kulm, seconded by Council Member Lynch and carried 4-0  
**ADOPTING RESOLUTION NO. 13-31. A RESOLUTION ACCEPTING THE DEDICATION OF A PORTION OF KIRBY STREET & REJECTING THAT PORTION FOR MAINTENANCE**

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### **CALENDAR**

The City Administrator commended the Finance Officer for putting together a thorough and comprehensive budget. It will be presented to the Council in detail and staff was recommending Council schedule a budget workshop and set a date for a Public Hearing for budget adoption. The Council agreed to a budget workshop on October 1, 2013 from 4:00 pm – 6:00 pm and directed staff to set a public hearing for October 15, 2013 at the regular Council meeting.

### **MEETING WAS ADJOURNED AT 6:45 P.M.**

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Elaine Morris  
Mayor

ATTEST:

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Mary Kelly  
City Clerk