



**CITY COUNCIL MINUTES  
MONDAY, MAY 1, 2023**

THIS MEETING WAS CONDUCTED IN-PERSON AT 33 CHURCH STREET,  
**THE PUBLIC WAS ABLE TO VIEW FROM HOME:**

Join Zoom Meeting

<https://us02web.zoom.us/j/9568520224>

**or**

Dial by phone:

301-715-8592

Meeting ID: 956 852 0224

**1. CLOSED SESSION-None**

**7:00 P.M. 2. CALL TO ORDER AND ESTABLISH A QUORUM FOR REGULAR MEETING**

Council members present:

Feist, Sierk, Swift and Gunselman (via zoom)

Vicky Runquist, City Treasurer

Staff Present:

Sandra Spelliscy, Interim City Manager

Derek Cole, City Attorney (via zoom)

Karen Darrow, City Clerk

Jodi Steneck, Account Supervisor (via zoom)

Mayor Gunselman advised the City Council she is appearing remotely under the “just cause” exception in the Brown Act (Government Code section 54953(f)(2)(A)) allowing remote appearances.

**3. PLEDGE OF ALLEGIANCE TO THE FLAG**

**4. REPORT FROM CLOSED SESSION - None**

**5. PUBLIC FORUM**

Mayor Gunselman announced that Council member Peters submitted his resignation from the City Council effective immediately.

Council member Swift commented that the city has been very fortunate to have Robin Peters serve on the Planning Commission and City Council for many years and he is saddened to see him leave.

Sandy Anderson of Sutter Creek noted that Robin Peters was the most well-prepared Council member she had ever worked with, and she is sorry to see him go.

Lottie Tone of Sutter Creek noted that the post office agreed to her request to hang a posting board and she suggested that the City Council agenda could be posted there and at City Hall.

**6. APPROVAL OF MINUTES**

A. City Council Minutes of April 17, 2023.

*Recommendation: By motion approve minutes as presented.*

**M/S Council member Sierk/Feist to approve the City Council Minutes of April 17, 2023, amended to:**

**-Replace the word “statement” with “clause” in the Item PA motion to approve.**

**-Remove the “aye” vote for Swift and retain the “abstain” on Item 9A.**

**AYES:** Feist Sierk, Swift and Gunselman

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**MOTION CARRIED**

**7. CONSENT AGENDA**

*Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of Council or the public.*

A. Adopt Resolution 22-23-40 Appointing Dan Riordan to the Planning Commission

**M/S Council member Sierk/Feist to Approve the Consent agenda, as presented.**

**AYES:** Feist, Sierk and Gunselman

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**MOTION CARRIED**

**8. ORDINANCES & PUBLIC HEARING**

A. Appeal of Grant of Conditioned Special Events Permit – Amador Farmers Market Association

Interim City Manager Spelliscy presented the staff recommendation, noting that losing the handicapped-accessible parking space could cause possible costly legal exposure to the city.

City Attorney Cole agreed that taking away a spot that the city currently provides opens the city up to an ADA lawsuit. H explained that this would be intentionally depriving patrons on an ongoing basis.

Mayor Gunselman suggested since the space is not considered a parking lot while operating under the permit does the city may not need to provide the ADA spot.

Ron Antone, applicant, noted that the ADA spot could remain available and offered to open the market earlier to help ease the parking concerns.

Mayor Gunselman invited public comment.

Andrew Gardner on behalf of Mike O'Neill, Tamara Richards, Susan Bragstad and Molly Allen and Ron Antone, members of the public, spoke in support of the Farmer's Market location change.

Mike Kirkley of Sutter Creek commented that Sutter Creek is exempt from ADA regulations.

Sandy Anderson, of Sutter Creek noted that Sutter creek is not exempt from ADA regulations, they are required to do as much as possible to reach compliance.

Mayor Gunselman closed public comment at 8:14 p.m.

Council member Swift suggested that the city should consider charging a use fee for the parking lot like any other city facility that the public rents.

Interim City Manager Spelliscy agreed with Council member Swift that the Special Event Permit process does not fit for this event.

**M/S Council member Sierk/Feist to approve the appeal and allow the Farmer's Market to be held in the Violich parking lot with the following conditions:**

- 1. The ADA parking spot remains available to the public.**
- 2. The market ends at 11:30 a.m.**

**AYES:** Feist, Sierk, Swift and Gunselman

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**A roll call vote was taken by the clerk.**

**4-0 MOTION CARRIED**

## **9. ADMINISTRATIVE AGENDA**

### **A. Update to Council Procedures Manual**

Interim City Manager Spelliscy noted that she is working with City Attorney Cole on a document to present to Council in the near future and clarified that the current manual is part of the city's governing documents and remains in effect until amended or replaced.

### **B. Council stipends - discussion and possible action**

**M/S Council member Swift/Feist to approve the use of the reserved council stipends for immediate road conditions, i.e. filling potholes.**

**AYES:** Feist, Sierk, Swift and Gunselman

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**MOTION CARRIED**

- C. Update on ARSA/Ione litigation, ARSA staffing, budget and other administrative matters, and role of Council in settlement agreement.

Mayor Gunselman suggested that this item be tabled considering Robin Peters resignation until a new ARSA representative is appointed.

Council member Sierk suggested staff prepare a letter from the City Council to the ARSA Board asking for an explanation about the litigation and noted that the staff report needed to be corrected to reflect that her request for ARSA information was made at the April 17<sup>th</sup> meeting not on the 20<sup>th</sup>.

Council member Swift noted that during litigation most of the discussion has been in closed session and that the ARSA Attorney and the City Attorney should have a discussion on what is appropriate to share.

City Attorney Cole noted that ARSA is a separate legal entity.

Mike Kirkley commented that the two City Council members acting as ARSA representatives should be looking out for the best interests of the city and if so, why is the Council in the dark about ARSA. He noted that the County Supervisors on the ARSA Board look to the Sutter Creek representatives for direction.

**M/S Council member Sierk/Feist to direct staff to send a letter requesting that the ARSA Board provide the following:**

- 1. Plans for the budget.**
- 2. Plans for the General manager position.**
- 3. What is the status and intent of negotiations regarding the ARSA/Ione lawsuit.**

**AYES:** Feist, Sierk, Swift and Gunselman

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

**MOTION CARRIED**

- D. City Hiring Policies - informational.

Interim City Manager Spelliscy outlined the hiring policies.

Council member Feist asked if the city could afford this new position.

Interim City Manager Spelliscy noted that the expense will be addressed in the budget process and that the hiring will not take place before the budget cycle.

Council member Swift commented that usually the budget part comes first.

Interim City Manager Spelliscy noted that the City Manager is responsible for all aspects of personnel.

Mike Kirkley commented that the city needs a Public Works Director.

**10. MAYOR AND COUNCIL MEMBER REPORTS**

Council member Sierk noted that the Bike/Ped Committee applied for a \$250,000 planning grant that they expect to hear about in the fall. In the meantime, they will be working on collecting community feedback.

**11. CITY MANAGER'S REPORT**

Interim City Manager Spelliscy reported that the Ad hoc for City Manager recruitment has identified an agency to work with and will move to the next steps of the process.

**12. CITY ATTORNEY'S REPORT**

City Attorney Cole noted that he will provide direction for filling the council vacancy through either a Special Election or through Council appointment.

**13. FUTURE AGENDA ITEMS**

Mayor Gunselman requested:

-Council vacancy discussion to include committee assignments.

**14. INFORMATION/CORRESPONDENCE- None.**

**15. ADJOURNMENT**

The meeting was adjourned at 9:32 p.m.

*Claire Gunselman*

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Claire Gunselman, Mayor

*Karen Darrow*

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Karen Darrow, City Clerk

Date Approved: May 15, 2023