



SPECIAL MEETING OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado

Monday, December 19, 2016 7:00 p.m.

The City Council may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

I. SPECIAL MEETING CALLED TO ORDER –

II. PLEDGE OF ALLEGIANCE – Led by Mayor James LiVecchi

III. ROLL CALL

All members of City Council were present. The City Attorney was present for the Executive Session. The City Treasurer, Theresa Cortese was absent.

IV. CITIZEN PARTICIPATION – *Citizen participation is for items not on the agenda and for agenda items that are not scheduled public hearings.*

Shawn Gillis of Salida stated that at the last City Council meeting, Eileen Rogers spoke in regard to finding a way to answer questions that are raised in Citizen Participation. Gillis asked what the City Attorney has been paid and would like to have a comparison with Karl Hanlon. Gillis continued to state that he would like to hear an explanation for the Mayor walking out of mediation. Gillis stated that he received a document related to the TABOR opinions from Hal Brown. He stated that it is important that the City Council be respectful when communicating to the public.

Monika Griesenbeck of Salida stated that she was concerned about what the status of the SNRCDC is. She stated that she was concerned when the SNRCDC was referred to as an enterprise. Griesenbeck stated that the only enterprise she is aware of is the Water and Wastewater enterprise. Griesenbeck stated that in 2009 if the City Council wanted to create an enterprise, they would have done so.

Alison Brown of Salida stated that she was born in Scotland and is a naturalized citizen of the United States. Brown stated that many of the democratic principles came from philosophic discussions in Scotland. Brown continued to state that the fundamental part of the Constitution is the right of the citizens to decide. Brown stated that part of the constitutional process is written into statute that the City Council follows as representatives. Brown stated that it includes the citizen's right to challenge by petition legislative decision of government. Brown stated that the right was exercised by the citizens and was overturned by the City on empty semantics. Brown stated that with any ordinance or resolution of legislative nature, the citizens have the right to speak. Brown stated that the resolution passed regarding the TABOR Compliance Plan had a petition submitted to challenge the resolution. Brown continued to state that the City denied it and is undermining the fundamentals of the U.S. Constitution and the democratic process. Brown stated that the City, through its actions, has created multiple legal actions against the City. Brown stated that four prior mayors of the City of Salida have stood up and have written to the ACLU to step in and sue the City against the actions. Brown urged the City to reconsider further actions.

Ron Mazzeo of Salida stated that the meeting is posted for 7:00P.M. and there may be citizens that want to be present. Mazzeo stated that the NRCDC does not have a position on Resolution 2016-97. Mazzeo stated that the SNRCDC will hold the City accountable to the terms of the Maintenance Agreement. He stated that the SNRCDC will be working with the City regarding the Solar Panels and the Sewer Dump Station.

Louise Fish of Salida stated that the meeting is in violation of Open Meetings Law and hoped the City Council would wait until after 7:00P.M. to enter into executive session. Fish continued to state that she had concerns relating to Resolution 2016-97. Fish stated that there will be a ruling tomorrow and wanted to know why time and money is being spent on something that may not be an issue. Fish asked who or what is the driving issue behind the TABOR subject. Fish continued to ask why the City would have the authority to hire a forensic auditor. Fish stated that she felt the SNRCDC does have a fiduciary duty to the Citizens of Salida.

Francie Bomer of Salida stated that the proposed Resolution is a regurgitation of previous arguments. Bomer stated that the statement regarding the sovereignty of the SNRCDC was taken out of context. Bomer stated that the letter was supportive of the SNRCDC and asked the Council to withdrawal the Compliance Plan. Bomer stated that Councilmember Bowers stated that nobody will be satisfied until there is a court ruling. Bomer stated that she resolution would sidestep the judicial process. She continued that a large number of people are increasingly unhappy and urged the Council to vote against Resolution 2016-97.

James Creaval of Salida stated that the process of the meeting likely complied to the letter of the law, but did not feel it followed the spirit of the law. He continued to state that he did not feel adequate notice was given to the public. He stated that the Council is failing in regard to transparency and felt that everyone is being conned.

Tom Bomer of Salida stated that the meeting was noticed to begin at 7:00 p.m. He stated that he wanted to be on the record as being against the tactics and actions that the majority of Council is taking. Bomer stated that the City Attorney had previously suggested having someone with constitutional and municipal experience or to seek a declaratory judgement. Bomer stated that the Council majority's agenda is to force the sale of the property. Bomer stated that the City Council is intent on destroying the NRCDC before the Court has the opportunity to rule on it.

Robin NeJame of Salida thanked the Council for their service and asked the Council address Sunshine Law violation issues at the next meeting. NeJame stated that the divesture seemed like an easy way to jump ship when the Council should be focusing on long term solutions.

Ken Matthews of Salida stated that he came from Moonlight pizza and a staff member was commuting from Moffat, Colorado because she couldn't find housing. Matthews stated that he did not understand why the SNRCDC is seen as a part of the solution for affordable housing. Matthews stated that people have been asking for a declaratory judgement, but the Council has been taking a different path. Matthews stated that by the time a new City Administrator starts, the City will have been without a City Administrator for a year. Matthews stated that Rabe is keeping the balls in the air and not pushing the City forward like he should.

Sally Creable of Salida stated that she was disgusted by the Council's actions. She stated that she served on a similar Board and felt that writing while people are speaking is disrespectful. She stated that there are a lot of people that want to see the process slow down. Creable urged the Council to do the right thing and listen to the people of Salida.

P.T. Wood of Salida hoped that the Council would consider the future and what is best for the City. Wood stated that he felt the Council should slow down and consider their options.

Kristi Falcon of Salida stated that she agreed with Wood and was confused about the meeting time.

Jeff Auxier of Salida stated that he felt the tone of the attacks on Council has been pretty rough. Auxier stated that he tries to state facts when he speaks. Auxier stated that he did not agree with the statements of the mediator and did not feel it was proper for a mediator to speak to the newspaper. Auxier stated that he did not agree there was an agenda. Auxier stated that he did not feel the SNRCDC property was worth a lot of money.

V. EXECUTIVE SESSION

Granzella motioned to adjourn into Executive Session 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: SNRCDC Litigation Update; Final SNRCDC Compliance Plan Implementation Issues and Related Resolutions; and, Proposed Resolution 2016-97. Brown seconded the motion. With all in favor, the MOTION CARRIED.

REPORT/ACTION

Brown stated that City Council received advice from the City Attorney and that it was time to have public discussions regarding the Resolution 2016-97.

VI. SCHEDULED ITEMS

3. SNRCDC Divesture (Ben Kahn)

Resolution 2016-97 Divesting the Municipality from the Salida Natural Resources Center Development Corporation

Brown motioned approve Resolution 2016-97, a Resolution of the City Council, City of Salida Divesting the Municipality from the Salida Natural Resources Center Development Corporation. Hallett seconded the motion.

Rogers offered an amendment to remove Section 10 and to remove the text in Section 6 after "2017"

Granzella offered an amendment to change the date on Section 6 from January 1, 2017 to February 1, 2017.

Brown and Hallett accepted the changes as a friendly amendment.

Granzella stated that he would support the resolution because it would continue the intent of the SNRCDC, the City would retain the residual value, the Compliance Plan would be gone and the SNRCDC could work with the Bank to develop the land without going through two layers of approval. Granzella stated that those reasons are just a start.

Bowers stated that he also supported the resolution and felt it was beneficial to the City. Bowers stated that it is a good place to start and felt the SNRCDC were capable of handling the property. Bowers stated that he felt the SNRCDC could go ahead and function with the resolution in place. He continued to state the resolution is made in good faith to move forward.

Brown stated that he is supporting the resolution for the reasons already stated and that it was in the best interest to stop the growing litigation costs. Brown continued to state it would give the SNRCDC Board flexibility and has the added benefit of getting the City out of the real estate development business.

Brown-Kovacic stated that she is opposed to the resolution and felt it was time to step back and see how each action would impact the healing of the City. Brown-Kovacic stated that the resolution has potential, but did not agree with how quickly it is going through. Brown-Kovacic stated that Council should wait until the public and the Council has the opportunity to ask questions and understand the resolution. Brown-Kovacic apologized to the public for how much time the TABOR issue has consumed.

Rogers stated that it has been a very difficult time. Rogers stated that she has been troubled by the urgency and the amount of time that has been consumed with the TABOR issue. Rogers stated that she has been trying to figure out a way to work together again in the best interest of the City. Rogers stated that she has been looking for middle ground for a win-win situation. She stated it will be hard for the SNRCDC to stand alone and stated that she will advocate for the Council to support the SNRCDC.

Hallett thanked the Council for looking at both sides of the issue. Hallett stated that she felt the resolution is giving a win-win situation. Hallett continued to state that it may take a while to digest but will give an opportunity to move forward.

Rogers asked the Council Members to make a genuine effort to be transparent to share information.

Granzella stated that if the SNRCDC does not find a fair buyer, there would be an opportunity for an initiative to buy the property with a loan.

In a 5-1 Roll Call vote, THE MOTION CARRIED. Brown-Kovacic had the dissenting vote.

VII. ADJOURN -

Rogers motioned to adjourn. Brown seconded the motion.

[SEAL]

Deputy City Clerk



James LiVecchi
James LiVecchi, Mayor

