



MEETING MINUTES OF THE CITY COUNCIL

City Council Chambers
448 East 1st Street, Room 190
City of Salida, Colorado
Tuesday, January 3, 2017 6:00 p.m.

I. REGULAR MEETING CALLED TO ORDER –

II. PLEDGE OF ALLEGIANCE – Led by Mayor Jim LiVecchi

III. ROLL CALL

All Elected Officials and staff were present. The City Attorney was present for the Executive Session.

06:09:32

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

Francie Bomer of Salida wished the Council a good New Year. She hoped that 2017 can be a new start of compromise. Bomer stated that she hopes the City truly intends to divest from the SNRCDC. Bomer stated that not having all conversations in public has caused the public to lose some trust. Bomer stated that tonight they will learn the new intentions of the City Council regarding the SNRCDC.

James Miller suggested that the City Website be included in the official posting place for City business. Bowers asked why Miller introduces himself as a second class citizen. Miller stated that Bowers said that community members who didn't vote were second class. Bowers apologized and stated he didn't intend to say that anyone was a second class citizen.

Rick Rictor of Salida stated that he would like to be on the Airport Advisory Board. He stated that he has an aviation background and would like to be considered.

Harry Brull of Salida stated that he was concerned about the Executive Session. He stated that the Colorado Statute stated that a 2/3 vote is needed to enter into Executive Session, but was not sure whether it is correct. He stated that the entire NRCDC issue has been done in secret and felt the Council has an opportunity to open it up. Brull stated that the citizens could benefit from hearing the Council's rationale.

V. SCHEDULED ITEMS

06:16:19

1. **Consent Agenda** (Christian Samora)
 - a) Approval of Agenda
 - b) Approval of Minutes: December 19, 2016
 - c) Approval of Minutes: December 20, 2016

Rogers stated that she would like to see Resolution 81 & 88 rescinded on the Agenda. Rogers stated that she felt the conversation needed to be in public.

Rogers motioned to approve the Consent Agenda with the addition of a discussion regarding Resolutions 2016-81 and 2016-88 to the agenda. Granzella seconded the motion.

Brown-Kovacic stated that she was also surprised not to see it on the agenda.

Brown suggested adding the items after the executive session.

Rogers disagreed with having the discussion after the Executive Session and stated that the community needs to hear what the Council is thinking aside from the legalities.

Granzella stated he would prefer the discussion be after the Executive Session as well.

Hallett and Bowers also preferred that the discussion be after the Executive Session.

In a 4-2 roll call vote, the motion carried. Rogers and Brown-Kovacic had the dissenting votes.

06:21:00

2. Approval of Ground Lease at Harriett Alexander Field, 2nd Reading & Public Hearing (Zech Papp)
Ordinance 2016-28 Approving a Ground Lease with Barry Cole

Papp gave an introduction and provided background information.

Brown-Kovacic asked if there is the possibility to create more hangars. Papp stated that in 2020 they may be able to get more FAA funding for a partial parallel taxiway. Papp stated that until then, the Airport is land locked and would need assistance from the County and the City to extend the taxi way.

Mayor LiVecchi opened the public hearing.

There was not any public comment.

Mayor LiVecchi closed the public hearing.

Granzella motioned to approve Ordinance 2016-28, an ordinance of the City Council, City of Salida approving a Ground Lease with Barry Cole and ordering the ordinance to be published by title only. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

06:25:47

3. Harriett Alexander Field Name Change (Zech Papp)
Resolution 2017-01 approving a name change of Harriett Alexander Field

Papp gave an introduction and provided background information.

Granzella motioned to approve Resolution 2017-01, a resolution of the City Council, City of Salida approving a name change of Harriett Alexander Field. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

06:27:35

4. Resolution Adopting Official Posting Place (Christian Samora)
Resolution 2017-02 designating the place for the posting of public notices for City Council Meetings and other City business

Bowers motioned to approve Resolution 2017-02, a resolution of the City Council, City of Salida,
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designating the place for the posting of public notices for City Council Meetings and other City business and to also include the City's website. Brown-Kovacic seconded the motion. Will all in favor, **THE MOTION CARRIED.**

06:29:47

5. CWRPDA Loan Authorization, 1st Reading (Steven Rabe)

Ordinance 2017-01 an ordinance approving loans from the Colorado Water Resources and Power Development Authority ("CWRPDA") in the aggregate principal amount not to exceed \$1,050,000 and \$120,000; authorizing the forms and execution of the loan agreements and governmental agency bonds to evidence such loans; authorizing the construction of a project; prescribing other details in connection therewith; and declaring an emergency on second and final reading.

Rabe gave an introduction and provided background information.

Granzella asked if it was ready to go to bid. Rabe stated that it is almost ready to go to bid after the State reviews and approves the plans.

Rogers motioned to approve Ordinance 2017-01 an ordinance of the City Council, City of Salida, approving loans from the Colorado Water Resources and Power Development Authority ("CWRPDA") in the aggregate principal amount not to exceed \$1,050,000 and \$120,000; authorizing the forms and execution of the loan agreements and governmental agency bonds to evidence such loans; authorizing the construction of a project; prescribing other details in connection therewith; and declaring an emergency on second and final reading, setting a public hearing for January 17, 2016 and ordering the ordinance to be published in full. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

06:34:34

6. Grant Agreement for UV Disinfection Project (Steven Rabe)

Resolution 2017-03 approving a grant agreement between the City of Salida and the Colorado Department of Local Affairs for the Salida UV Disinfection Compliance Project

Rabe gave an introduction and provided background information.

Rogers motioned to approve Resolution 2017-03, a resolution of the City Council, City of Salida approving a grant agreement between the City of Salida and the Colorado Department of Local Affairs for the Salida UV Disinfection Compliance Project. Brown-Kovacic seconded the motion. With all in favor, THE MOTION CARRIED.

7. Administrator/City Attorney/Deputy City Clerk

- City Administrator Report –Steven Rabe
Rabe provided a report in the packet.
- Deputy City Clerk Report – Christian Samora
Samora did not have a report.

8. Elected Official Reports

- City Clerk – Betty Schwitzer
- City Treasurer – Theresa Cortese
- City Council- Michael Bowers, Hal Brown , Cheryl Brown-Kovacic, Rusty Granzella, Melodee Hallett and Eileen Rogers.

Granzella asked if a question had been answered. Brown stated that he responded.

Brown-Kovacic stated that she hoped the new year could be a strong year for the Council.

Brown stated that a question was raised about a transfer from water to streets. Another question was about what appeared to be a deficit in the water fund. Brown stated that the line in the budget shows the planned

expenditures exceed the estimated revenues. Brown stated that there is not a deficit unless the expenditures exceed revenues and the fund balance combined. Brown explained that there is not a deficit because there is a significant fund balance. Brown stated that the transfer has to do with the payment for the water and sewer line replacements for street work that was done.

Rogers stated that the enterprise must receive less than 10% of revenues from a grant to maintain the enterprise status in accordance with TABOR.

Brown stated that the 10% is defined as a direct cash contribution.

VI. EXECUTIVE SESSION

06:49:30

Brown motioned to adjourn to Executive Session for a conference with an 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 Resolutions 2016-81, 2016-88 and 2016-97; related divesture implementation matters; and, update on claims involving the City. Granzella seconded the motion. With all in favor, THE MOTION CARRIED.

VII. EXECUTIVE SESSION REPORT/ACTION

09:02:50

Brown stated that they met and received advice on a number of issues. They discussed the legal ramifications of rescinding the resolutions. Having received advisement, the Council will engage in the pros and cons of rescinding the resolutions. Brown continued to state that there was direction to present a stipulation in the CORA litigation to preserve specific documents that were requested.

There was a discussion regarding potential claims regarding the City Administrator. Brown stated that there was consensus to release the third-party report regarding citizen complaints that were filed against the former City Administrator.

Brown-Kovacic stated that she had some concerns and was hesitant on the item regarding the City Administrator.

Rogers stated that she was also concerned about the personnel ramifications.

There was consensus to release the results of the CIRSA investigation and the privileged memorandum regarding the complaints that were filed against the City Attorney.

Hallett asked what would be accomplished by rescinding the resolutions.

Brown-Kovacic stated that she didn't seem that there was an issue with Resolution 2016-88.

Bowers stated that he felt it was addressed in Resolution 2016-97 and thinks the City needs to move on.

Granzella stated that he felt that Resolution 2016-97 resolves 2016-88. Granzella stated that to rescind them would be like burning files. He didn't feel that it made sense and that Resolution 2016-97 is where it needs to stay.

Brown-Kovacic stated that it is not clear that rescinding Resolutions 2016-81 and 2016-88 would wipe the record. She stated that there would still be a record of the resolutions.

Brown stated that it was not clear to him what the purpose is to rescind the resolutions.

Rogers stated that she struggled with the issue. She stated that she did not feel there was a big deal with

Resolution 2016-81. Rogers stated that she was concerned that Resolution 2016-88 would come up again if it still on the records.

Bowers stated that he felt the Resolution 2016-97 answered the letter that was submitted.

Hallett stated that she disagreed with Rogers and felt that Resolution 2016-97 covered both Resolutions 2016-81 and 2016-88. Hallett stated she felt TABOR was a good thing for the state. Hallett continued to state that she felt it was a follow through with things that had taken place in prior cases.

Brown stated that it is not whether TABOR is a good thing or a bad thing, it is about the Governing Body deciding that the then current situation with the SNRCDC and the relationship with the City was in violation of TABOR. Brown stated that they used the compliance plan and later divested without selling the property. Brown continued to state that Resolution 2016-97 took care of it and now the City is faced with cleaning up the details. He stated that it would resurrect the previous resolutions that are already resolved by Resolution 2016-97.

Rogers stated that she wanted to make it clear that she only wanted to have a discussion. Rogers stated that it is her right to bring the motion forward and an opportunity to have a discussion without criticizing each other.

Rogers motioned to rescind Resolutions 2016-81 and 2016-88. Brown-Kovacic seconded the motion. In a 2-4 roll call vote, THE MOTION FAILED. Granzella, Hallett, Bowers and Brown had the dissenting votes.

VIII. NEW BUSINESS

Granzella asked when the appointments to various boards and commissions are due. Rabe will check into the issue.

IX. OLD BUSINESS

Rogers stated that there needs to be an attempt to have fewer executive sessions. She stated that they need to have respect for the people.

LiVecchi stated that tomorrow Salmi will be retiring from Public Works.

X. ADJOURN –

Brown motioned to adjourn. Bowers seconded the motion. With all in favor, THE MOTION CARRIED.

[SEAL]

Deputy City Clerk



James LiVecchi
Mayor

