

*Subject to approval at
the May 1, 2023
City Council Meeting*

STATE OF COLORADO)
COUNTY OF OTERO) SS
CITY OF LA JUNTA)

CALL TO ORDER: A regular meeting of the City Council of the City of La Junta, Colorado, was called to order by Mayor Ayala on Monday, April 17, 2023, at 6:00 p.m. in the Council Chambers of the Municipal Building.

INVOCATION: Mayor Ayala gave the invocation.

PLEDGE OF ALLEGIANCE: Council Member Vela led everyone in the Pledge of Allegiance.

ROLL CALL: The following Council Members were present:

Damon Ramirez, Ward 1
Paul Velasquez, Ward 1
Elaine McIntyre, Ward 2
Joe Ayala, Mayor
Chandra Ochoa, Ward 2
Edward Vela, Ward 3
Lisa Pantoya, Ward 3

Absent: none

Also present: Rick Klein, City Manager
Bill Jackson, Asst. City Manager
Phil Malouff Jr., City Attorney
Melanie Scofield, City Clerk
Paula Mahoney, Admin. Asst.
Gary Cranson, Utility Board
Betty Velasquez, La Junta
Julie Worley, La Junta
Elizabeth Randall, La Junta
George DiDomenico, La Junta
Christine Dailey, Ark Valley Resource
Scott O'Connor, Re/Max
Bethany Bender, La Junta
Daniel Horton, La Junta
Brooke Leonard, Ark Valley Resource
William Macdonald, La Junta
Bette McFarren, RF Gazette

MINUTES OF PREVIOUS MEETING: Mayor Ayala asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of March 20, 2023. Hearing none, the mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE MARCH 20, 2023 MINUTES AS PUBLISHED: McIntyre

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

PROCLAMATION: Mayor Ayala signed a proclamation declaring the week of April 23 – 29, 2023 as National Crime Victims' Rights Week.

CITY COUNCIL MEETING – April 17, 2023

RE/MAX ADVANTAGE, THE MURPHY GROUP: Scott O'Connor is the new owner of Re/Max Advantage, the Murphy Group. He lives in Colorado Springs but grew up in a small town in Montana and has a place in his heart for small communities and the lifestyle that it offers. Tom Brann is still the managing broker in La Junta. There will be an open house on May 5th from 3:00 p.m. – 7:00 p.m. at 118 Colorado Avenue.

CITIZEN PARTICIPATION FOR NON-AGENDA ITEMS (5-minute time limit per person):

1. Julie Worley, 2417 San Juan Avenue: Asked about the weeds that are piled up on south San Juan Avenue. They are blowing into her yard as well as her neighbor's yards. This property is located in the county and Ms. Worley was referred to the County Commissioners.

UNFINISHED BUSINESS

- A. **Second Reading/AN ORDINANCE OF THE CITY OF LA JUNTA AMENDING TITLE 17 OF THE MUNICIPAL CODE.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON SECOND READING: Ochoa

SECOND: Vela

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

NEW BUSINESS

- A. **Application for a Special Events Permit by Southeast Colorado Creative Partnership, Event Manager, Nancy Aschermann. The event is the Annual Brewfest to be held June 9, 2023 from 8:00 a.m. to 11:00 p.m. at the Santa Fe Plaza.** The application is in order and has been reviewed by City supervisors for compliance with City and State codes. The appropriate fee has been tendered and the premises have been posted. The City Attorney recommends approval.

MOTION TO GRANT A SPECIAL EVENT PERMIT TO SOUTHEAST COLORADO CREATIVE PARTNERSHIP FOR THEIR ANNUAL BREWFEST TO BE HELD JUNE 9, 2023 FROM 8:00 A.M. TO 11:00 P.M. AT THE SANTA FE PLAZA: Pantoya

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

- B. **A Resolution to Change the Cemetery Rules and Regulations of Fairview and Calvary Cemeteries.** The City Attorney explained that regulations for the Columbarium's needed to be added in regards to keeping the lettering of the door panels consistent. Resolution No. R-6-2023 was presented for council's consideration as follows:

WHEREAS, the City of La Junta owns and operates the Fairview and Calvary Cemeteries for use of the citizens of La Junta and the surrounding area; and

WHEREAS, the City has established various rules and regulations as to the operation of said facilities; and

WHEREAS, the City desires to update its cemetery rules and regulations from time to time to include regulations concerning the engraving of memorials for spaces used in the City's Columbarium; and

CITY COUNCIL MEETING – April 17, 2023

BE IT THEREFORE RESOLVED as follows:

SECTION 1: New Sections 14.1.14, 14.1.15, 14.1.16 and 14.1.17 are established as follows:

Section 14.1.14: The following rules shall apply to any memorialization engraved in the City's Columbarium.

Section 14.1.15: All fonts must be 1" modified Roman Condensed.

Section 14.1.16: There must not be more than three lines at the top of the niche door or three lines at the bottom.

Section 14.1.17: The proposed lettering must be approved in advanced by the engraving contractor no more than the City's cemetery designee.

SECTION 2: The new Sections 14.1.14, 14.1.15, 14.1.16 and 14.1.17 shall become effective upon passage of this Resolution.

MOTION TO ADOPT RESOLUTION NO. R-6-2023: McIntyre

SECOND: Velasquez

DISCUSSION: There was no discussion.

VOTE: The motion carried 7-0

CITY ATTORNEY MALOUFF: City Attorney Malouff had a conversation with Council Member McIntyre regarding the regular city council meeting held on March 20th, 2023, which he was not present. A motion was made to amend the budget with regard to adjustments made as to cutting personnel cost, etc. Our budgets, by Charter, can only be passed and amended by ordinance. The tenor of the motion was to say that the council was approving Mr. Klein to do some cost cutting to try to preserve the budget rather than amend it. That not a reflection of the transcription of the meeting. It was simply a reflection that some of the terms got mixed up a bit. City Attorney Malouff wanted his statement to be the minutes so that it's clear that we haven't violated our own Charter.

- C. **First Reading/AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE WATER FUND FOR THE CALENDAR YEAR 2023.** City Manager Klein explained that it was verbally agreed, and in the minutes, to use the Federal ARPA money to re-do the pump system at the big tank. Now we need it passed as an ordinance. The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: McIntyre

SECOND: Vela

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

D. Committee/Board Reports

1. Senior Citizens Advisory Board (Council Member Velasquez):
 - There are 517 members.
 - La Junta Transit was recognized at the SWTA Conference. It's also been recognized at the National and State levels for the work they are doing here.
 - Our transit has transported 7,300 people.

CITY COUNCIL MEETING – April 17, 2023

- Andy Flemer, AVRMC CEO, gave a fantastic overview. It was a wealth of information the Advisory Board was appreciative for.
2. Utility Board (Council Member Velasquez):
 - Raised the rates of the 20-yard roll-offs to \$265.00 and the 40-yd roll-offs to \$465.00.
 - Meetings have been moved to the third Tuesday of the month to have the most current and accurate financials. The change will also be reflected in the downstairs posting at the Municipal Building.
 - A blown arrester was replaced at the Industrial Park on the AB52-7 circuit which was due to high winds.
 - There was an underground fault at 1902 College Drive. Eight direct buried connectors were dug up and new pipe and new conductors were added.
 - The total kWh returned to the system was 9,844 from twelve solar account customer. There are currently twenty-two solar customers. A total of \$541.44 was rebated at the avoided costs making is \$45.12 per customer.
 - Currently applying for congressional funding for the backup generation and battery storage for the Industrial Park. We have reached the second tier and DOLA will be including our project in their funding request. The project is such that we can do in phases to best fit in their funding capabilities.
 - Flushing raw water lines in preparation for higher summertime flows.
 - Installed new relays on reserve and south booster generators.
 - Main break at 3rd and Adams Avenue. Creating a bypass around that intersection since that section of pipe has three repair bands already on it and replacing the roadway would be costly.
 - After an amazing career of 42 years with the City of La Junta, Robert Lucero has chosen to retire on April 15, 2023. He has led a fantastic department through several transitions to include the building of the new WWTP.
 3. Stage 1 Water Restrictions (City Manager Klein):
 - There is no watering between the hours of 10:00 a.m. to 6:00 p.m.
 4. AVRMC Board (Council Member McIntyre):
 - Provided the current executive summary for the fiscal year ending March 2023. All goals are currently being met.
 - Health Fair on April 22nd from 7:00 a.m. – 12:00 p.m. at Otero College. There's information on the AVRMC website or you can call the Director of Marketing, Janice, at 383-6009.

D. City Manager's Comments

- The Brick and Tile playground should be completed, except for the shelters, within the next couple of weeks. Weather has slowed it down.
- We will be putting on the roof for the Brick and Tile Park bathroom. Then we'll finish it.
- We received the Army Corps of Engineers 404 permit. We are still waiting on CDOT to issue notice to proceed. Then we will start the bidding process for the trail. We have our Invitation For Bid being reviewed by CDOT.
- We are still working with the Utility Board on the Rate Study.
- The Senior Center is having an open house on April 21st from 1:00 p.m. to 3:00 p.m. showcasing their services.
- The Library will have an open house on May 24th from 10:00 a.m. to 12:00 noon.
- Auditors are here so we will be busy with them for a while.
- EPA came through to evaluate our demolition buildings. They will schedule us for the next month or so. They are getting a review on whether they can help with nursing home west.
- Otero College held a regional tournament at our golf course with eight teams.
- Wildland fire season is here, be careful.
- Friends of the Library are having a book sale on the 29th of April on the patio.
- We fixed a lateral on the storm sewer at 14th and Park.

CITY COUNCIL MEETING – April 17, 2023

- The pool opens on June 1st.
- Soccer has started.
- Last week, within a four-hour period, five ambulance calls, one car wreck, one structure fire and two wildland fires occurred.
- Started cutting, cleaning, and camera on one-fifth of the sewer system.
- Last weekend, on Saturday night, the sirens were going off. There was a computer glitch.
- We had a power outage due to failing infrastructure. It was replaced.
- Pam Denahy is the Greater Outdoor Colorado new Board Chair.
- The asphalt plant can't get their machine going yet.
- Pot holes is funded through street maintenance.
- CDOT's approval is for 10th Street down to the over. It's over a mile.
- The Gibson's building is getting tested for asbestos now and will be an EPA project for next year.
- There will be five housed demolished this year.

E. Governing Body Comments

1. Council Member Vela: Talked about the future belonging to the youth and wanted everybody to know that he would not be running for re-election in November 2023. This would make a vacant seat in Ward 3 which includes the area west of Belleview Avenue to Wal-Mart and including the south Air Force housing.

2. Mayor Ayala: Asked Bill Jackson for an update on Armor Sheet Metal.

Bill Jackson: Property Management purchased the property and the equipment in it with council's blessing. The property is still being evaluated as far as possible uses. It is currently being used as a Property Management shop. One of the local businesses has asked to use the equipment a couple of times. There's not been any real interest so far. The original interest seems to have waned.

3. Council Member Velasquez: "What I'm about to talk about is in the interest of full disclosure and transparency from this body. We have received two letters alleging a complaint against a sitting council member. Before I get into that, this is not done to form any judgments, to solicit any comments. It is done as a matter of transparency and it's a matter of public record since we received them from an email. They are addressed to the city council. I know that the mayor cannot bring this up but I feel it is incumbent upon, at least one of the members of city council, to do that and that's what I've done. It's weighed heavy on me. We have had some comments from councilman Vela regarding his not seeking re-election. I can read these letters in their entirety in full disclosure or it can be sufficient to say that we did receive two complaints about a city member of council. What's the council's pleasure?"

Council Member Vela asked for the letters to be given to him. City Manager Klein said that he sent them out to all council members last Friday. Mayor Ayala read the email from his laptop, "April 14th, 2023 at 4:11 p.m. edward.vela@lajuntacolorado.org sent by Mr. Rick Klein."

Council Member Velasquez: "To do away with the awkward silence and again continue with full disclosure with no other intent other than to disclose and to be transparent as a city council, I'll go ahead and just read them in whatever order I have them." (Both letters follow).

First Letter

La Junta City Council,

Synchronicity Dance Productions was invited to City Council to talk about their upcoming production during their meeting held on 02/21/23. The dancers needed to change into their costumes and used an office next to the chamber room. Several dancers were undressing to get into their costumes. There were at least 4-5 female dancers in addition to myself and the director. I was standing at the door to make sure no one just walked in while they were dressing.

CITY COUNCIL MEETING – April 17, 2023

Someone knocked on the door, and thinking it may be another dancer, I opened it and saw that it was Ed Vela. I immediately advised that the girls are dressing and that he cannot enter. He did not seem deterred in the slightest and advised that he needed tissue while looking past me into the room. I closed the door asap. After grabbing the tissue, I opened the door as little as possible and passed the tissue as fast as I could and saw that he did not make any attempt to avert his eyes. I was surprised that he still wanted the tissue after I made it clear that the girls were changing. I thought his behavior was odd and did not appreciate the fact that he still attempted to look in after he was aware that girls were dressing. I do not feel that this is normal or acceptable behavior from a grown man let alone a man on our city council.

Amy Salazar
Citizen of La Junta

Second Letter

Dear City Council,

During the afternoon on Sunday, March 26th, Ed Vela and his wife came to the Koshare Museum, where I work. After asking about a few things in the trading post, he asked me if I remembered when my dancers came to the city building to talk about our upcoming show during the city council meeting. I told him yes. He began asking me several questions about when my dancers were changing in the office. He asked if all of my dancers were in the office. I told him only a few were. He asked if David Eckhart was in the office. I told him no. He told me the dancers were just putting costumes over their clothes. I told him no, they had to change out of their street clothes into their costumes. He then asked if I remembered when he asked for tissues and how the door was opened barely a crack. I told him I don't know about that and I didn't think so. He then, very pointedly, told me yes you do, you know. I didn't respond. He and his wife then proceeded to look around the museum and trading post for some time. As they left, he loudly stated that he should leave a donation or I will tell my mom. I felt very much that he was insinuating something then. I felt uncomfortable with him being at my place of work. It felt like he was trying to press me to change my story about what happened the day of the council meeting. His comment as he was leaving felt like it was meant to intimidate me.

Sarah Mahoney

City Attorney Malouff: "The way it's been couched, it's a matter of public information. I don't know that it requires a response. Certainly, Mr. Vela has the floor if that's what he chooses to do. At this point, there is no motion before the floor or before the body. This is simply a piece of data that has been shared with you, the council as a group. What you choose to do with that data is up to you. Your choices, just to be clear, are governed in no small part by procedures and processes that require that due process of law. I had sent through distribution channels the CIRSA responses to how these kinds of things should be investigated. I think it's pretty consistent with what we have been discussing over and over and over again with various members of this board as this matter has developed. But Mr. Vela has an entitlement to know specifically what the complaint is. If this body decides that they want to move forward with an investigation. So, I think that the only options that are available to this body right now, someone could call for an investigation. That would be governed by this outline of procedures that we have. Or it's just a matter of data that you're now informed about. You may want to absorb, think about, or do something with. I'm not making a recommendation either way."

Council Member Vela: All this is a big lie! The purpose of my going back to the, Paula's office, well, first of all, the mayor invited these kids down here to perform supposedly but nobody ever performs here because there's no room. What happened was, they all huddled into Mrs. Johannes office and that's a small space and there's got to be at least ten people in there, I guess, but they should have gone in the utility board room and I asked the mayor, in the future, please have these people go back to the back. We gotta be responsible if we're the invitees or if we're the inviters to these kids to go back there.

CITY COUNCIL MEETING – April 17, 2023

Council Member McIntyre: “Why would you have been asking . . .

Council Member Vela: “I’m not asking, I’m not taking questions Elaine. So don’t interrupt me. Just keep your mouth shut.”

Council Member McIntyre: “I was just confused.”

Council Member Vela: “Don’t interrupt me because I didn’t interrupt you or anybody else that was speaking. What happened was, this box here, it’s the same box, it took me twenty-five seconds to go from my chair here, around the corner, because this door was locked. Rick was on vacation. Took me twenty-five seconds to go back there, knock on the door, ask for a Kleenex. Somebody opened the door about that much. The width of a Kleenex box. And that’s exactly what happened. The door was open. I asked for a Kleenex. They closed the door. It only opened about the width of this. They opened it and they said okay and they grabbed to the box of Kleenex, opened it again, this much, handed me the box of Kleenex and I came back and I set it over here. And that’s exactly twenty-five seconds. I did not have time nor did I have any interest in seeing anybody dress or undress because that is not what happened. Because of the medications that I take per day, sometimes I’ll have a clear mucus running down my nose. And those medications are the result of my military service. And I don’t have any interest in going to see some kids who just opened the door like that. I mean, people are thinking, in your mind perhaps, they opened the door wide because everybody was dressing. No, that isn’t the case. They opened it that wide. I grabbed the Kleenex, came back here, and took care of my business. (audience disruption) Because with, because of my nose, and I’ve set them over here. And that’s where that box of Kleenex has stayed and I’m glad that it had been. That’s all I know about it. I had no idea. I don’t know who those people were but I am not afraid to tell the truth. That’s gospel. Twenty-five seconds from here to Paula’s office and back. That’s what I got. And I have an allergy. Even Lisa says, ‘oh you have a flat tire huh?’ I go, what do you mean? ‘Well, you breathe and then you go huh.’ And that’s a result of the medications I take because of my military service that I’ve been taking for years and that’s one of the residuals, if you will, about taking medications. Perhaps some of you do too, but that’s, I always go into Rick’s office first to grab the Kleenex because there’s never any up here. And if there’s not any in there, I’ll go to Paula’s office. Paula’s always accommodating to give me that information. Now, when this first came out, Dean, and he took the mayor as a witness back there, the utility room and they held me in there and they told me what the complaint was verbally. They didn’t have it documented like you folks have it now. They didn’t have it documented and I told them, well, why don’t you hear my side? ‘I don’t want to hear it’, the city attorney says. And I tried to, that’s exactly how he said it, and he says, ‘I’m going to leave if you’re going to say it’. And I try to tell the mayor too and he was just dumbfounded. He couldn’t believe what he was hearing probably but they both walked out and I haven’t heard anything since then. Now, you tell me that justice. You tell me that’s fairness and equity. It is not. Because I know better than to do things like that what I’m accused of. It’s no different than Paul, when you were in actively working in the state patrol, you pull somebody over in your twenty plus years that you’ve been a state patrolman, right? You pull somebody over and I’m sure in those twenty years, the skirts on women that you pull over have gotten higher. The collars on there have gotten lower too. And you could be accused of the same things and there was a lady at the, I’m not going to say her name, but there was a lady who was, is in this room, who rubbed her derriere across my back at the Sant Patrick’s dinner, from one side to the other. That’s sexual harassment. I didn’t do it. That didn’t, why wasn’t, and I reported that to Dean. And I said I would reserve right to bring that up too and I’m bringing that up here but don’t try to pull this slime on me because I ain’t going to put up with it. I can tell you that much. That’s all I had for now.”

Mayor Ayala: “So the same options are available to the council on how they want to proceed.”

Council Member Vela: “I would suggest that we just, everybody take this and read this. We just got it today. And then make a recommendation. This Ethics, Liability, and Best Practices for Elected Officials. I don’t know these women that complained. I don’t know what their sensitivity is and I don’t care. I just don’t want to go through this again and waste the city’s money. Because it’s not true.” (audience disruption)

CITY COUNCIL MEETING – April 17, 2023

City Attorney Malouff: “Let me interrupt here and say with absoluteness, that this is not intended, this conversation should not be intended to be a determination of responsibility or a determination of what has occurred. If Mr. Velasquez chooses to want to bring it up, it’s a data point. If Mr. Vela chooses to respond, it’s a data point. If there is a need to investigate the veracity of the complainants, or if there’s a need to investigate further, that’s not yet before this body. But that is as far as it should go tonight. There shouldn’t be a discussion about facts. This isn’t the place for it. It’s premature. If somebody wants an investigation, well, then make a motion and we’ll see how the rest of you feel. If people are satisfied at this point, then, that’s fine too. But we should not have an open discourse concerning what did or didn’t occur or what should or shouldn’t have occurred. So, Mr. Mayor, I would implore you to shut down any further discussion.” (audience disruption)

Mayor Ayala: “The complaint was read. Mr. Vela responded. If there wants to be an investigation, the council needs to bring that up or not.”

Council Member Vela: “I didn’t mean to announce my no intent to run for re-election on account of this. I did that before. I mentioned to people that I was not going to run. I even told the mayor that when I asked him to support me for mayor and he says, ‘oh I’m running for mayor.’ Good. I slapped a hundred-dollar bill in his hand and I went to support him from there. And that’s intent right there and then I see all you young people here. This city is yours. You take it. I’m out. I did eight years. That’s good enough for me. I did my civic duty. And I sure as hell wouldn’t allow this slime to go on. I’m sorry Mr. O’Connor. You had to hear this. You’re new. But if that’s what goes on we just gotta get to the bottom of it.”

Council Member Velasquez: “So by saying, ‘get to the bottom of that,’ are you asking for an investigation?”

Council Member Vela: “No, that’s up to the council. I don’t want no investigations Paul because this is it. What I told you is the gospel truth. I have no interest or never even had a passing thought of what these kids were thinking.”

Council Member Velasquez: “You said you want to get to the bottom of that.”

City Attorney Malouff: “Mr. Mayor, I hate to pull out the rule book. If there’s a motion on the floor, it can be discussed, but this dialogue back and forth, in my view, is very much out of order.”

Mayor Ayala: “What is the pleasure of the council? I take it we don’t want to do anything?”

MOTION TO FURTHER INVESTIGATE THE MATTER GIVEN THAT MR. VELA HAS COMPLETE DENIABILITY IN THE ALLEGED IMPROPRIETIES THAT WERE CONTAINED IN THE LETTERS: Velasquez

SECOND: Ochoa

DISCUSSION: An independent investigator would have to be hired. The costs could range north of \$5,000 but probably closer to \$10,000 and there is no certainty on a timeline.

Council Member Vela: “I had a chance to talk with this to the city manager and he said absolutely no. There’s no merit in that. There was a lack of time.”

City Manager Klein: “I did not say that.”

Council Member Vela: “Yes you did Rick. Don’t be lying. That’s what he told me in his office.”

Council Member Ramirez: “Ed, this is not a personal attack on you by this council. This was something that was brought from outside the council. These are citizens of La Junta. IF it were citizens of La Junta and any other circumstance, law enforcement could be involved and it would have to be followed up. I just want you to know it’s not a personal attack on you from this council. Understand that so that the person attack back on the council, I feel, is unnecessary.”

CITY COUNCIL MEETING – April 17, 2023

Council Member Vela: "I'm just giving you all of the evidence that I had an support in my favor. That's all I put in."

City Attorney Malouff: "Mr. Mayor, very simply stated, the issue before you is whether to investigate. Don't draw any conclusions."

Mayor Ayala: "If the investigation goes through, is that done in public session? Are the results made in public?"

City Attorney Malouff: "Yes, either way. Whether there was a promotion of doing something more formal or that it's a dead duck. Either way, if you ask for an investigation, I think that makes it public record."

VOTE: Those voting YES: Ramirez, Velasquez, Ayala and Ochoa
 Those voting NO: Vela and Pantoya
 The motion carried 4-2 (McIntyre abstained)

There being no further business, the meeting adjourned at 7:20 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joe Ayala, Mayor