

*Subject to approval at
the May 15, 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, May 1, 2023, at 6:00 p.m. in the Council Chambers of the Municipal Building.

INVOCATION: Council Member McIntyre gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Ayala 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.
Todd Quick, Police Chief
Brock Hinkhouse, Parks/Rec Director
Gary Cranson, Utility Board
Catherine Herd, La Junta
Connie Shane, La Junta
Mike Bourget, UB Commissioner
Jackie Strickert, La Junta
Adina LaCruz, La Junta
Susan Dietrich, La Junta
Julie Worley, La Junta
Brittany Baylor, Inspiration Field
Sandra Leonard, La Junta
Randall Roberson, La Junta
William Macdonald, La Junta
Bette McFarren, RF Gazette
Adrian Hart, SECO News

MINUTES OF PREVIOUS MEETING: Mayor Ayala asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of April 17, 2023. Hearing none, the mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE APRIL 17, 2023 MINUTES AS PUBLISHED: Ochoa

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

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

1. Catherine Herd, 1415 Park Avenue: Is concerned regarding the incident at the City Park on Saturday, April 15th, that involved the removal of three of the community water fowl by a private citizen. The incident created a lot of outrage, speculation and rumors on social media. She thanked Park Director Brock Hinkhouse for listening to her and trying to secure the duck's return. She would also like for the City to let people know if they pursue any further action.

UNFINISHED BUSINESS

- A. **Second Reading/AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE WATER FUND FOR THE CALENDAR YEAR 2023.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON SECOND READING: Vela

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

NEW BUSINESS

- A. **Liquor Licenses.**

1. **Application for a Special Events Permit by Inspiration Field, Event Manager, Brittany Baylor. The event is the 38th Annual La Junta Trading Golf Tournament to be held May 12, 2023 from 5:00 p.m. to 11:00 p.m. at 612 Adams Avenue.** 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 INSPIRATION FIELD FOR THE 38TH ANNUAL LA JUNTA TRADING GOLF TOURNAMENT TO BE HELD MAY 12, 2023 FROM 5:00 P.M. TO 11:00 P.M. AT 612 ADAMS AVENUE: Ochoa

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (McIntyre abstained)

2. **Application for a Special Events Permit by Inspiration Field, Event Manager, Brittany Baylor. The event is the 3rd Annual Smoke Out to be held June 17, 2023 from 5:00 p.m. to 11:00 p.m. at 612 Adams Avenue.** 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 INSPIRATION FIELD FOR THE 3RD ANNUAL SMOKE OUT TO BE HELD JUNE 17, 2023 FROM 5:00 P.M. TO 11:00 P.M. AT 612 ADAMS AVENUE: Ramirez

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (McIntyre abstained)

3. **Application for a Special Events Permit by Inspiration Field, Event Manager, Brittany Baylor. The event is the 36th Annual SECOM/SECPA Golf Tournament to be held July 6, 2023 from 5:00 p.m. to 11:00 p.m. at 612 Adams Avenue.** 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.

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MOTION TO GRANT A SPECIAL EVENT PERMIT TO INSPIRATION FIELD FOR THE 36TH ANNUAL SECOM/SECPA GOLF TOURNAMENT TO BE HELD JULY 6, 2023 FROM 5:00 P.M. TO 11:00 P.M. AT 612 ADAMS AVENUE: Pantoya

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (McIntyre abstained)

4. **Application for a Special Events Permit by Inspiration Field, Event Manager, Brittany Baylor. The event is the 36th Annual SECOM/SECPA Golf Tournament to be held July 7, 2023 from 5:00 p.m. to 11:00 p.m. at 612 Adams Avenue.** 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 INSPIRATION FIELD FOR THE 36TH ANNUAL SECOM/SECPA GOLF TOURNAMENT TO BE HELD JULY 7, 2023 FROM 5:00 P.M. TO 11:00 P.M. AT 612 ADAMS AVENUE: Vela

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (McIntyre abstained)

5. **Application for a Special Events Permit by Inspiration Field, Event Manager, Brittany Baylor. The event is a Poker Run to be held July 15, 2023 from 5:00 p.m. to 11:00 p.m. at 612 Adams Avenue.** 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 INSPIRATION FIELD FOR A POKER RUN TO BE HELD JULY 15, 2023 FROM 5:00 P.M. TO 11:00 P.M. AT 612 ADAMS AVENUE: Pantoya

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (McIntyre abstained)

6. **Application for Renewal of a Hotel & Restaurant Liquor License by Fargerson LLC, d/b/a Boss Hoggs Saloon & Restaurant, 808 E. 3rd Street.** The application is in order and has been reviewed by City supervisors for compliance with City and State codes. Appropriate fees have been tendered and the City Attorney recommends approval.

MOTION TO GRANT A RENEWAL OF A HOTEL & RESTAURANT LIQUOR LICENSE BY FARGERSON LLC, D/B/A BOSS HOGGS SALOON & RESTAURANT, 808 E. 3RD STREET: McIntyre

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

- B. **A Resolution Concerning the Discretionary Aviation Grant.** The City Attorney explained that Mr. Jackson received a discretionary aviation grant and it requires a governing board resolution which designates Mr. Jackson as the contact point and indicates that the council is prepared to make budgetary requirements. Resolution No. R-7-2023 was presented for council's consideration as follows:

WHEREAS, the General Assembly of the State of Colorado declared in Title 43 of the Colorado Revised Statutes, Article 10, 1991 in CRS §43-10-101 (the Act) "... that there exists a need to promote the safe operations and accessibility of general aviation in this state; that improvements to general aviation transportation facilities will promote diversified economic development across the state; and that accessibility to airport facilities for residents of this state is crucial in the event of a medical or other type of emergency..."; and

WHEREAS, The Act created the Colorado Aeronautical Board ("the Board") to establish policy and procedures for distribution of monies in the Aviation Fund and created the Division of Aeronautics ("the Division") to carry out the directives of the Board, including technical and planning assistance to airports and the administration of the state aviation system grant program. SEE CRS §43-10-103 and C.R.S. §43-10-105 and CRS §43-10-108.5 of the Act; and

WHEREAS, any eligible entity operating an FAA-designated public-use airport in the state may file an application for and be recipient of a grant to be used solely for aviation purposes. The Division is authorized to assist such airports and request assistance by means of a Resolution passed by the applicant's duly-authorized governing body, which understands that all funds shall be used exclusively for aviation purposes and that it will comply with all grant procedures, grant assurances and requirements as defined in the Division's Programs and Procedures Manual, ("the Manual") and the Airport Sponsor Assurances for Colorado Discretionary Aviation Grant Funding ("Grant Assurances") attached hereto as Exhibit B for the project detailed in the Discretionary Aviation Grant Application ("Application") attached hereto as Exhibit A and in conjunction with CDOT's Small Dollar Grant Award Terms and Conditions attached hereto as Exhibit C; and

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1: The City of La Junta, as a duly authorized governing body of the grant applicant, hereby formally requests assistance from the Colorado Aeronautical Board and the Division of Aeronautics in the form of a state aviation system grant. The City of La Junta states that such grant shall be used solely for aviation purposes, as determined by the State, and as generally described in the Application.

SECTION 2: By signing this Grant Resolution, the applicant commits to keep open and accessible for public use all grant funded facilities, improvements and services for their useful life, as determined by the Division and stated in the Grant Assurances.

SECTION 3: That the City of La Junta hereby designates Bill Jackson as the Project Director, as described in the Manual and authorizes the Project Director to act in all matters relating to the work project proposed in the Application, including execution of any amendments.

SECTION 4: The City of La Junta has appropriated or will otherwise make available in a timely manner all funds, if any, that are required to be provided by the applicant as shown on the Application.

SECTION 5: The City of La Junta hereby accepts all guidelines, procedures, standards, and requirements described in the Manual as applicable to the performance of the grant work and hereby approves this Grant Resolution, including all terms and conditions contained therein.

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MOTION TO ADOPT RESOLUTION NO. R-7-2023: Vela

SECOND: Ochoa

DISCUSSION: There was no discussion.

VOTE: The motion carried 7-0

- C. **First Reading/AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE GENERAL FUND FOR THE CALENDAR YEAR 2023.** The City Attorney explained that this supplemental is to provide fees for an investigation to be conducted by non-connected persons as to events that have occurred within the City. The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Ochoa

SECOND: Velasquez

DISCUSSION: City Manager Klein asked Councilman Vela to please step down since money is so tight on the budget. Councilman Vela said no.

VOTE: Those voting YES: Ramirez, Velasquez, McIntyre, Ayala, Ochoa and Pantoya
Those voting NO: Vela
The motion carried 6-1

D. **Committee/Board Reports**

There were no committee or board reports.

E. **City Manager's Comments**

- There will be an Open House at the Library on May 24th from 10:00 a.m. to 12:00 p.m.
- On May 1st to 21st, there will be a six-word story contest.
- Teen Volunteer applications are due May 12th.
- Summer Reading Program begins June 5th and the theme is "All Together Now."
- The Brick and Tile playground should be completed except for the shelters. Weather has slowed down the progress.
- Finishing the Brick and Tile Park bathroom.
- We received the Army Corps of Engineers 404 permit. Still waiting on CDOT to issue notice to proceed, then we 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 had their Open House on April 21st.
- Wildland fire season is here. Be careful.
- The pool opens on June 1st.
- Soccer has started.
- We will be on Level 1 Water Restrictions beginning May 1st.
- The Electric crews installed security lights at the Brick and Tile Park.
- They continue the circuit bypass at the Light Plant Substation.
- The golf course is hosting a High School tournament this week with twelve teams consisting of fifty-six players.
- We have more golf tournaments scheduled this year than ever before.
- Supply chains are increasingly complex and lead times continue to be unpredictable at best, and typically longer than expected. We are continuing to see logistic costs on the rise but thankfully most items are available for procurement. It's just going to cost more to ship said items.
- Asphalt will be done every Thursday.

CITY COUNCIL MEETING – May 1, 2023**ADDITIONAL TOPICS DISCUSSED:**

- The road on 18th and Bradish is separating.
- The City Manager's successor position description when retiring.
- Clarification of the acronym ARPA (America Rescue Plan Act).

F. Governing Body Comments**1. Council Member Velasquez:**

- Commended the Senior Center Advisory Board for hosting and doing a tremendous job with the open house they had. It was well attended. There was plenty of informational booths from various departments.
- Thanked the Fire Department. Even though they've been busy, they still had an emergency drill at the courthouse.
- Regarding the power outage last week, they are an inconvenience but thanked the crews that went out during a windstorm.

2. Council Member McIntyre:

- Attended the Senior Center open house and it was very nice. They did a great job.
- The 9 Health Fair was well attended and AVRMC had a lot of volunteers and quite a few people from the community attended.
- Addressed the ladies concern on the ducks. She received the information from Mr. Klein. He also shared that Brock Hinkhouse was handling the situation. She apologized that she didn't contact the lady directly because it seemed that the situation was being handled.

3. Council Member Vela:

- Asked Mr. Malouff to take a look at the community open house for the library because it could be construed as using city funds to promote a sales tax increase because it talks about the consumers who shop local pay La Junta sales tax and the funds go to the general fund.

City Attorney Malouff: State law allows for a minimal expenditure up to \$75.00 to promote election. There's a cap. So long as it doesn't go over that dollar amount, there's no violation of state law.

- Asked for a copy of that particular citation. Also, there was an open house at the Senior Center where there was a piece of paper saying strictly how much Engineering Department cut out of the budget. It didn't say specifically the sales tax was the result of that. Any citizen who has the savvy and comes to these meetings quite often or watches it on Facebook, surely would know that it is a promotion. Just thought it was strange.
- On a positive note, the 5th Annual Six Word Story Contest is giving money back to the kids or whoever has a chance at a cash prize. That's good for having reduced the hours and so forth at the library.

4. Mayor Ayala:

- Received a letter in the mail at his home. It wasn't a great letter. About a month and a half ago, Rick got a similar type of letter and he sent it to me. I took some heat in that letter also. I asked if they signed it. He said no. I said, don't worry about it. So I put my letter up on social media and Rick calls me. He says, did they sign it? I said no. He said, then don't worry about it. It's hard when we're in these situations to get letters like that. We do our best. Everyone on this council does their best for the community. Whether it's ducks and cats and roads and sales tax and all that. We just want to have a better La Junta for everybody. I would like to apologize for the email. I've been on the phone with Brock everyday and Brock has been keeping me updated to where we're at and when he found the ordinance. I just assumed he was taking care of that for us. Kudos to Brock and all the work he did. He is working hard for the city and for you guys

to make sure that we try to get those ducks back. We want to try our best for everybody and that's not to say one issue is more important than the other. We just want a better La Junta. There's so much stuff that goes on every day. Me and Rick will be on the phone with a list of things that are going on. Me and Dean are driving around saying okay, how do we clean up these yards? How do we do this? How do we do that? We put in a lot of time to make this a great city. And I do this for free because I love this town so much. So, when I get letters like this, it hurts. Because I'm doing my best for you guys. I'm not going to resign. I still plan on running again. That's not to say no one else can't put their name in. I absolutely welcome that. But these kinds of things aren't going to stop me. We got a lot of work to do. We got a lot of stuff that needs to get done and I plan on being here to finish the job.

5. Council Member Velasquez:

- Questioned the pamphlet from the Arkansas Valley Conduit Boone Reach Ground Breaking event.

City Manager Klein: Councilman Vela attended and wanted me to hand these out. I didn't go.

Council Member Vela: It's for a short reference, so you don't have to have all kinds of papers, 8 ½ x 11, to keep track of it whenever there's a reference to the conduit.

Council Member Velasquez: So, you attended?

Council Member Vela: Yeah, I attended.

Council Member Velasquez: Ok, so tell us about it.

Council Member Vela: No because you know what? Rick told me this morning; you weren't supposed to go to that. None of us went to it. I said nobody told me. If you want my comments on it, read that. They gave a bunch of fluff, in my opinion. I was interviewed by Channel 5 and they didn't put it on TV because the things I put in there were against what that whole scenario was supposed to be about. It was all fluff. The things I talked about there to the television camera was things that you hear in utility board and amongst ourselves. I don't have to tell you that being you're a member of it. Rick thought they were serving hot dogs and stuff. No, all they had was a donut and warm coffee. Which wasn't bad. I looked around and said where's Councilman Velasquez? He's always riding the highway. He wasn't around. And that's the extent of it.

Council Member Velasquez: Thanks for the report.

Council Member Vela: I wish somebody would tell me when something like this is going on. I've been shut out for about two and a half months with any communications from any of you. So, if we could increase communication, whether you like me or not, that would be a great benefit.

Mayor Ayala asked Sandy Leonard to approach the podium so she may speak.

Sandy Leonard: Is a constituent out of Ward 3. Wanted to applaud the council for the vote that they took two weeks ago. It is never easy to investigate a fellow cou . . .

Council Member Vela: Object Mr. Counselor. She's going to say something that could prejudice the decision of the investigation.

City Attorney Malouff: I respect your opinion but she's been given permission to talk.

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Sandy Leonard: Just wanted to applaud. It's never easy to do that. But I feel like it sent a message that you speak for all the people in La Junta instead of just the people in power and I wanted to thank you for that because I know it wasn't easy.

MOTION TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S. §24-6-402(4)(e): Vela

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

Council went into Executive Session from 6:46 p.m. until 6:57 p.m.

There being no further business, the meeting adjourned at 6:57 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joe Ayala, Mayor