

***Subject to approval at
the June 20, 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 Pro Tem Velasquez on Monday, June 5, 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 Pro Tem Velasquez 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
Chandra Ochoa, Ward 2
Edward Vela, Ward 3
Lisa Pantoya, Ward 3

Absent: Joe Ayala, Mayor

Also present: Rick Klein, City Manager
Bill Jackson, Asst. City Manager
Phil Malouff Jr., City Attorney
Melanie Scofield, City Clerk
Paula Mahoney, Admin. Asst.
Cathy Hurd, La Junta
Connie Shane, La Junta
Frank McKenzie, UB Chairman
Christine Coffield, La Junta
Douglas Golding, La Junta
Meaghan Chesley, Red Cross
Cori Tanner, Red Cross
Dee Leyba, La Junta
Gilbert Leyba, La Junta
Phyllis Kelley, La Junta
Marie Mora-Menges, La Junta
Nancy Bennett, La Junta
Kiara Gomez, Denver
Jenifer Rodriguez, Denver
Betty Velasquez, La Junta
Daniel Horton, La Junta
Bette McFarren, RF Gazette

MINUTES OF PREVIOUS MEETING: Mayor Pro Tem Velasquez asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of May 15, 2023. Council Member Vela made an addition to his addition of the May 1, 2023 minutes (minutes of previous meeting). It needs to say, "Mr. Klein said yes, Melanie is tracking it." Hearing no further corrections or additions, the mayor pro tem asked for a motion to approve the minutes as amended.

MOTION TO ACCEPT THE MAY 15, 2023 MINUTES AS AMENDED: Vela

SECOND: Ramirez

DISCUSSION: There was no further discussion

VOTE: The motion carried 6-0 (Ayala absent)

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

1. Douglas Golding, 1316 Lincoln Avenue: 1) The citizens need to know why they are still paying for the facility fee for the RO Plant and a statement from the city would be nice. 2) The city needs to refrain from new construction projects if they're not able to financially fix potholes and other concerns before building a new park. 3) If citizens get together and give their time to come up with ideas, they should be given consideration. This happened about ten years ago. On the top of the list was a walking and biking path. Since then, a locomotive was moved up on a hill and a new Brick & Tile Park was made. But this path has still not happened.

City Manager Klein: Regarding the \$17 per month. It came down to a couple of conversations, they did not put the sunset in there because we knew that we'd be needing that. Back in the 2010, 2012 era, they were thinking that it would go to help pay for the Ark Valley Conduit. Now, today, if you saw the audit, the water fund balance is a million dollars in the hole. Right now, we're having one main break a week. We need a main replacement program. The city's water loss is up to about 21% now. It is unacceptable. We don't need to have, like some of these other cities, where 50% of their water is not being delivered because their pipes are gone.

The Brick & Tile Park was paid 100% from grants. The maintenance will be conservation trust. Buy your lottery tickets because that's what pays for the maintenance of those activities. Go down there anytime and you'll see that the park is full.

We've been trying to put a trail inside La Junta. It was in a 1967 comprehensive plan about developing out the arroyos. It wasn't something new. We started in 1997, there was some landowners that didn't want to sell. It took about ten years to start getting some of the properties. Then I started applying for funds. You can't apply for funds if you don't own the property.

Frank McKenzie, 1202 Raton Avenue, Utility Board Chairman: Want to clarify a little bit more on what Rick said in his answer to Doug's question. I don't know the exact meeting, but in the last two years, on the Utility Board, we did address the \$17 charge and we researched it back to it's beginning and there was no sunset provision. So, we could leave it on. We chose to do that because we've got infrastructure problems greater than just paying off the RO Plant. We need to start putting in water lines all over town. It was done in open session and it's a matter of public record. The problem is we don't have a newspaper that everything gets into. Everything that happens in the main stream doesn't always get to the press.

PRESENTATION – American Red Cross: Cori Tanner, Disaster Program Manager, with the Southeastern Colorado Chapter of the American Red Cross, shared the following information:

- Mission – The American Red Cross prevents and alleviates human suffering in the face of emergencies by mobilizing the power of volunteers and the generosity of donors.
- Values – We are dedicated to improving the lives of those we serve and to treating each other with care and respect. We work together as One Red Cross family, in partnership with other organizations, and always embrace diversity and inclusiveness. We seek new ideas, are open to change and always look for better ways to serve those in need. We act with integrity, are transparent guardians of the public trust and honor our promises. We hold ourselves accountable for defining and meeting clear objectives, delivering our mission and carefully stewarding our donor funds.
- Fundamental Principles – Humanity, impartiality, neutrality, independence, voluntary service, unity and universality.
- Home Fire Campaign – Free smoke alarms, ARC install, partner with fire department and sound the alarm event.
- Wildlife Mitigation Program – Piloting this month in Green Mountain Falls, El Paso County. Is anticipated to become an on-going program.
- Free Classes – For the community (sheltering training), adults (be Red Cross ready, hands only CPR, stop the bleed and active threat), and youth (prepare with Pedro and the Pillowcase project.)

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- Red Cross responds to an event in Colorado/Wyoming on average every sixteen hours. This includes house fires, wildfires, large scale flooding, transportation incidents and mass casualty incidents.
- We coordinate with jurisdictions through and with emergency managers, fire chiefs, police chiefs, local volunteers and partners. Red Cross does not self-deploy, must be asked.
- Everything offered by the Red Cross is 100% free.

NEW BUSINESS

- A. Application for a Special Events Permit by American Legion Auxiliary, Angela Davis, Event Manager. The event is their 3rd Annual Trillion Tree Corp. to be held July 4, 2023 from 4:00 p.m. to 11:00 p.m. at 118 Steen 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 AMERICAN LEGION AUXILIARY FOR THEIR 3RD ANNUAL TRILLION TREE CORP. TO BE HELD JULY 4, 2023 FROM 4:00 P.M. TO 11:00 P.M. AT 118 STEEN AVENUE: Vela

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ayala absent)

- B. Authorization to Commence Condemnation – 1008 Raton Avenue.** The City Attorney explained that the City's Charter requires council to take a formal action to authorize condemnation. This house is a hazard and is an extremely dangerous situation with the conditions of the roof.

MOTION TO AUTHORIZE CONDEMNATION OF 1008 RATON AVENUE: Ochoa

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ayala absent)

- C. Recommendation to Replace or Augment the Current City Water Attorney in Regards to Ark Valley Conduit Affairs.** Utility Board Chair Frank McKenzie explained to the council that they have repeatedly asked for clarification on several items regarding the Ark Valley Conduit. The current water counsel gave a presentation which just re-iterated what has already been done. The Board feels that a more aggressive representation is needed in this matter. City Attorney Malouff explained that general practitioners in the legal field don't exist anymore. It's not uncommon for the legal profession to be compartmentalized in their services.

MOTION TO AUGMENT THE CURRENT CITY WATER ATTORNEY IN REGARDS TO ARK VALLEY CONDUIT AFFAIRS: McIntyre

SECOND: Vela

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ayala absent)

D. Committee/Board Reports

1. AVRMC Board (Council Member McIntyre):

- At last month's meeting, a recommendation was made for Bill Jackson to be the council's representative. There were three applications received for the position. Thank you.
- Andy Flemer is doing a good job.

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2. Planning Commission (Mayor Pro Tem Velasquez):
 - A variance was granted for Blue Stem Village on one of their signs. It's not going to affect traffic.
 - We should be looking for an invitation for an open house in the coming future.
3. Library Board (Mayor Pro Tem Velasquez):
 - About 200 people attended the Summer Reading Program kick-off. They had a bounce house and hot dogs.
 - The library has a full schedule.

Council Member Vela: The coordinator for that event was a little worried about the rains keeping people from attending. The parking was full on both sides of Colorado and the parking lot was full. Looks like it was a successful event and the kids looked pretty happy.

E. City Manager's Comments

- The Brick and Tile playground is completed except for the last shelter. Weather has slowed down its progress.
- CDOT will issue notice to proceed this month, then we'll start the bidding process for the trail. We have our Invitation for Bid ready when we receive the notice.
- We are still working with the Utility Board on the Rate Study.
- Wildland fire season is here, be careful!
- The pool opened on June 1st with 375 kids in attendance.
- Level 1 water restrictions.
- Electric crews installed security lights at the Brick and Tile park.
- It is unlawful to park on sidewalks or block driveways. We are getting complaints.
- If you have questions regarding how the city operates, give me a call.
- We have storm sewer breaks at 10th & Carson, 16th & Carson and 4th & Cimarron.

ADDITIONAL TOPICS DISCUSSED:

- The city is unable to create a 10-year plan, 5-year plan for infrastructure replacement due to lack of funding. Each year enough money is budgeted for emergencies.
- The Rural Fire District purchases all of the equipment. The only fire truck the city owns is the ladder truck.
- Nothing was taken away from the golf course to build the Brick and Tile park. That was 100% grant funded.
- It was asked to perform a traffic study, for possible yield signs, on 6th, 7th, and 9th Streets on Carson Avenue.
- There was a notice in the newspaper regarding the city accessing funds from the Build Back Better Act to improve water distribution infrastructure.
- A city newsletter posted on its website might help in getting information out to people.

F. Governing Body Comments

1. Council Member Ramirez:
 - Based off our budgets and moneys, as a council, we need to set an example when it comes to the money spent. How do we go about restricting funds from being used by the council for out-of-town travel or reimbursements for out-of-town travel? I've thought about CML which is a very big expense. I've made a decision not to go specifically because of the moneys that would be spent and we probably don't need to be doing that right now.

City Attorney Malouff: I've been contacted by two or three council members asking about that very topic. What can we do to show that we collectively, as a board, appreciate the financial straits that are before us. I know that it's not news to anyone that the cost of all goods and services have dramatically risen. As just part of my control

of my budget, I told Mr. Klein that I would not go to my CML conference this year. It's a matter of saving money. I believe that he responded that he also was not going to go. When you take a look at budgetary issues, the council is the entity that establishes the budget and establishes what's to be spent in a general sense and those are directions to the city manager. As a matter of your preferences, you have the ability individually to say, I'm just not going to go or the council, as a body, could consider passing a motion saying there's going to be a moratorium on out-of-town travel for council and elected official members for non-essential kinds of things. All those things are open to you. I don't know that the word is really out there just yet how much in trouble the city is and then when we hear things like the city is buying new fire trucks, which is completely outrageous and not correct, there's a misconception there. By us making little statements we're not going to spend money on ourselves at all. I think that's a benefit to the electorate as we move closer to considering the sale tax increase. From my perspective, I'm not spending my allocated budget money. If the council wants to act individually, they can do it. If a council member chooses to make a motion today to enter a moratorium for the rest of the calendar year 2023 as to out-of-town travel for elected officials, I think that's well within your purview.

Council Member Ochoa: If a moratorium is placed for the remainder of this year, what if an emergency comes up and Rick or someone has to go out-of-town. Would they . . .

City Attorney Malouff: He's not an elected official.

Council Member Ochoa: So, it wouldn't pertain to you or Rick having to go somewhere for a meeting?

City Attorney Malouff: No.

MOTION TO PLACE A MORATORIUM ON FURTHER SPENDING OF FUNDS FOR OUT-OF-TOWN TRAVEL ON ALL ELECTED OFFICIALS FOR THE CALENDAR YEAR 2023: Ramirez

SECOND: Ochoa

DISCUSSION: The following discussion took place.

Council Member Vela: It's not fair to the new members here to not go to that CML convention. You learn a lot. There's a lot of good speakers. Have you been to one Damon?

Council Member Ramirez: No.

Council Member Vela: Elaine?

Council Member McIntyre: I have actually.

Council Member Vela: How many have you been to?

Council Member McIntyre: One.

Council Member Vela: How about you Paul?

Mayor Pro Tem Velasquez: One, one and a half. They had a hybrid.

Council Member Vela: She's never been to any. (pointing to Council Member Ochoa)

Council Member Pantoya: One.

Council Member Vela: And she's only been to one. That makes quite a bit of difference. I've been to one for seven years in a row. I've been to them cheaply. All I charge is mileage. There's a whole lot of information that you learn there. Experience that you talk to a lot of people and you pick up on a lot of good information that is valuable to you as a council person. It's even more difficult if you have a job and you cannot get any other training because if there's no training locally for what's going on in

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your city or what our state organization is doing but I can assure you that I learned a lot every time and there was a multitude of subject matters to pick. It doesn't bother me how the vote goes but I would like to see some of our people go and not just be there. Rick wasn't there last year and Dean only goes for two or three days. He never goes for the entire thing. He just goes to the lawyer session and I'm sure that he shares his wealth of information with everybody and I exchange stuff with the other people too but those of you that haven't been there. My God. Go. I don't think the . . . we're going to discuss this on another day, but I don't think the financial situation is as it is but, I would say, let's do it selectively and if you don't want me to go because, several of you don't like me, that's alright. It's perfectly alright with me.

Council Member Ramirez: Ed, I'll take your words into consideration but I'll be here another three years. So, there's plenty of time for me to go.

Council Member Pantoya: I think that there's a lot of members that have been on the council for a lot of years and Joe and I are going to the Academy by Action 22 which we're learning a lot about local government and all the Southeastern areas. So, I think you're right, you still have some time here.

City Attorney Malouff: If the motion passes, that would halt that participating till the end of the year.

Council Member Pantoya: Yes, that's fine.

City Manager Klein: I think they've already paid. You're already paid up.

Mayor Pro Tem Velasquez: When can you cancel? When's the last day to cancel?

City Manager Klein: That's an education that's already beyond us on Joe and Lisa. You're already four modules in aren't you?

Council Member Pantoya: More.

Council Member Ochoa: We don't want to take that away but anything new that's coming up.

Council Member Vela: That wasn't his motion. Gotta change the motion then.

Council Member Ramirez: Rick, so has that already been paid for? The funds have been expended?

City Manager Klein: Yes.

Council Member Ramirez: Okay, so that doesn't affect that.

City Manager Klein: They don't hit me up for reimbursements or nothing.

Council Member McIntyre: I know a lot of the trainings we can do online but besides just going and mileage, there's also the cost of the event that's involved. I do know there are some other costs but if we did have the Action 22 one already on the budget, maybe do that one.

Council Member Vela: You can say that on CML too. It's already been paid for.

Mayor Pro Tem Velasquez: We have a motion . . .

Council Member Vela: It's in the budget though, right?

City Attorney Malouff: Let's bring some order to this. Everybody's got some good ideas. I appreciate it. Mr. Vela would like to see some people go to CML, of course, that's a voluntary thing. Miss Pantoya may have commitments in Action 22. The motion is on the floor. It's been seconded. There's discussion. Anybody can propose an amendment to the motion or multiple amendments to the motion. If you choose to do that, then you move to amend the prior motion. If there's a second, then there'll be discussion solely on the amendment. Then a vote, that will tell us what happens with regard to that amendment and the prior motion. That's how this should work. We're to

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that point now where if anybody wants to seek an amendment to the motion, go ahead and make it now and let's see whether it flies. If not, call the question and take a vote.

Council Member Vela: So, the motion is to eliminate all of it, right?

City Attorney Malouff: Yes.

Council Member Pantoya: Non-essential.

Council Member Vela: No, that ain't what he said.

Council Member Ramirez: Any further spending.

Council Member Vela: He said any.

City Attorney Malouff: Time out. We don't need to argue it.

Council Member Vela: I'm not arguing.

City Attorney Malouff: That's why we have our lady clerk that can read the motion.

City Clerk Scofield: Mr. Ramirez made the motion to place a moratorium on further spending of funds for out-of-town travel on all elected officials for the calendar year 2023.

Council Member Vela: Don't look at me. I'm ready for the motion because it says all. No exceptions.

Council Member Ramirez: All further spending.

Council Member Vela: You want to make an exception?

Council Member Ramirez: No, just clarifying.

Mayor Pro Tem Velasquez: We have a motion and a second with no amendment.

Council Member Vela: Make that motion clear that it's all travel.

City Attorney Malouff: Read it again Melanie.

City Clerk Scofield: Motion to place a moratorium on further spending of funds for out-of-town travel on all elected officials for the calendar year 2023.

Council Member Vela: Amendment to that. Make an exception for the Action 22, three people we have on there. Joe isn't here but he's one of those three people. That's my amendment to that motion.

(Amendment dies due to lack of a second.)

Mayor Pro Tem Velasquez: Call for the vote on the original motion.

Those voting YES: Ramirez, Velasquez, McIntyre, Ochoa and Pantoya

Those voting NO: Vela

The motion carried 5-1 (Ayala absent)

2. Mayor Pro Tem Velasquez:

- Would like to recognize two guests in the gallery tonight from Colorado Legal Services. Miss Jennifer Rodriguez and Kiara Gomez. Jennifer is the managing attorney for the farm workers section of Legal Services and they are in town conducting training with other attorneys from Colorado. We'll have some attorneys arriving from Oklahoma and Nebraska tomorrow, so they can further assist and protect our agricultural workers out there. I hope you find La Junta inviting and welcoming. Thank you for taking time out of your evening to come to one of our council meetings.

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There being no further business, the meeting adjourned at 7:16 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Paul Velasquez, Mayor Pro Tem