

Council Goals

Envision a safe, flourishing downtown that provides a strong commercial tax base

Strive to be active stewards of existing aging infrastructure

Recognize importance of experience, well trained, and community minded staff

Ensure its electorate is well informed of on-going successes and future plans

Envision a safe, secure community for its families and youth

Promote redevelopment of existing businesses and neighborhoods and increase quality of life for all its residents



AGENDA REGULAR MEETING LA JUNTA CITY COUNCIL

La Junta, Colorado
June 16, 2025
6:00 PM
Council Chambers
Municipal Building
601 Colorado Avenue

CALL TO ORDER (Mayor Ayala)

INVOCATION (Mayor Ayala)

PLEDGE OF ALLEGIANCE (Mayor Ayala)

ROLL CALL (City Clerk)

Council Members

Supervisors

Others

Ramirez

Velasquez

Stoker

Ayala

Ochoa

Pantoya

Rikhof

PUBLIC HEARING: Application for a New Tavern Liquor License by New Venture LLC, d/b/a Strike & Play, 2420 San Juan Avenue (City Attorney) (Action)

MINUTES OF PREVIOUS MEETINGS (Mayor) (Action)
Regular Meeting June 2, 2025

INFORMATION

A. Eagle Scout Project (John Smith)

B. Police Department (Todd Quick)

CITIZEN PARTICIPATION *(5-minute time limit per person)*

COMMUNITY EVENT ANNOUNCEMENTS *(Council Members)*

EMPLOYEE SERVICE AWARDS

A. June 2025

1. Daniel Aragon, Industrial Park – 10 years

REPORTS

A. Property Management Fund Audit (Michael Hart) (Update)

B. Lewis Bolt & Nut (Tom Paper & Brett/Cheryl McIntosh) (Presentation)

UNFINISHED BUSINESS

A. Second Reading/ AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE SANITATION FUND FOR THE CALENDAR YEAR 2025 (City Attorney) (Action)

B. Second Reading/AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO TO ADOPT RULES CONCERNING USE OF AUTOMATED VEHICLE IDENTIFICATION SYSTEMS (City Attorney) (Action)

NEW BUSINESS

- A. Application for a Special Events Permit by Our Lady of Guadalupe/St. Patrick Parish, Angela Ayala, Event Manager. The event is their community Festival/Bazaar to be held July 11 & 12, 2025 from 4:00 p.m. to 11:00 p.m. at 202 Lincoln Avenue (City Attorney) (Action)
- B. Committee/Board Reports
- C. City Manager Comments
- D. Governing Body Comments
- E. ADJOURN

CITY COUNCIL MEETING – June 2, 2025

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

CALL TO ORDER: The regular meeting of the City Council of the City of La Junta, Colorado, was called to order by Mayor Ayala on Monday, June 2, 2025, at 6:00 p.m. in the Council Chambers of the Municipal Building.

INVOCATION: Pastor Lynne (United Methodist Church) 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
Joe Ayala, Mayor
Chandra Ochoa, Ward 2
Lisa Pantoya, Ward 3
Maureen Rikhof, Ward 3

Absent: Jeremiah Stoker, Ward 2

Also present: Brock Hinkhouse, Acting City Manager
Erin Harris, City Attorney
Melanie Scofield, City Clerk
Martin Montoya, Director of Engineering
Aliza Libby, Director of Finance
Patrick Hancock, Hancock & Froese & Co.
Andrew Froese, Hancock & Froese & Co.
Kathy DelRio, La Junta
Nancy Harrington, La Junta
Charley Henschel, La Junta
Nancy Bennett, La Junta
Gary Reed, Rocky Ford
Zach Reed, Rocky Ford
Everette Ediger, La Junta
Adrian Hart, SECO News
Bette McFarren, RF Gazette



Subject to approval at the
June 16, 2025
City Council Meeting



MINUTES OF PREVIOUS MEETING: Mayor Ayala asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of May 19, 2025. Hearing none, the mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE MAY 19, 2025 MINUTES AS PUBLISHED: Ochoa

SECOND: Velasquez

DISCUSSION: There was no discussion

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

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

1. There was no citizen participation.

Council Member Rikhof: Questioned why citizen participation is for non-agenda items only. Someone may have a question or give information about an agenda item, which makes more sense. (This topic will be discussed during governing body comments.)

CITY COUNCIL MEETING – June 2, 2025**COMMUNITY EVENT ANNOUNCEMENTS (Council Members):**

1. Brew Fest: This Friday, June 6th from 6:00 p.m. – 11:00 p.m. at the Santa Fe Plaza. Tickets are \$25.00 each. There is a QR code to purchase tickets in advance or at the door. Whiskey Throttle, Ark Valley Entertainment and Caitlyn Tibbles will be performing. All proceeds benefit the Plaza Building.
2. Senior Center Advisory Board: Board meeting is this Thursday at 10:00 a.m. at the Senior Center.

REPORTS

- A. **Property Management Fund Audit (Acting City Manager Hinkhouse).** Met with Michael about two weeks ago and broke it down into three areas. First, to make sure everybody was in good standing with their leases. Looks like everybody is in good standing and is paid up to date. There was nothing that looked out of place. Second, was to look at city properties that were not under leases. There's not as many properties as we thought. The idea is to go in and see what they are being used for, what kind of condition they are in and plan whether they can be leased or get them cleared out. Third, which will take a little while, is to look into the details of all city leases. The original wording is very similar but when you get into the amendments, that's where things change up. There are some leases that don't ask for a lot from us and there are some that use the city to kind of help build their businesses. The timeline is about 30-45 days to have this done. We are also still planning on a tour.
- B. **Conley Road Project (Director of Engineering Montoya).** Started this project today and hoping that it will take about a week. The county came in and milled off about six inches of asphalt and we are working on picking up the millings. Our next project will be 6th Street across from the Municipal Building and the library. After that, will be the paving of 2nd Street in front of the jail between Cimarron Avenue and Smithland Avenue. We've already started that project and have it somewhat ready to be paved. We'll be doing paving this whole month.

We used to work through a business called All Right. They sold out to another company called United Companies. This company said they would no longer do the Thursday deal that we had. We can no longer order small amounts unless it goes along with another project being done. They have to have a minimum of sixty tons before they will run asphalt. When we're doing patching, it usually takes five to ten tons for our normal patching projects. Conley road is going to take about 500 tons.

There's a form on our website under the Streets Department that will allow you to fill out a pothole request to be fixed. It goes straight to Marilyn, she puts in the request as a work order, then it is sent to the Streets Department. So, we're able to keep track of them and respond immediately.

The flood that happened last July on 10th Street took out asphalt, sidewalks and lots of rocks. TLM went back and fixed the bridge and the sidewalk that was attached to it. The City and Streets Department went in and did the sidewalk from 10th Street to Barnes Avenue over to the arroyo. Next, we have to cut two sections on either side of the street and pave those up to the sidewalks so that if another flood happened, it doesn't undermine the sidewalk.

The life of a street will hopefully last 20, 30, or 40 years. After that, if the road is good enough, you can do a two-inch overlay which should last you another 20-25 years. After that you put chip seal on and it may last you another five years. A lot of potholes around are due to chip seal simply coming up. It's hard to fix those because they're usually less than an inch, inch and a half deep, so it's hard to make the asphalt stick. I'm trying to get more money for the budget so that we can rebuild a lot of these roads that are in really bad condition but we will still try to use overlaying if we can. We will continue to chip seal as well but not as much as we've been doing.

UNFINISHED BUSINESS

- A. **Second Reading/AN ORDINANCE AMENDING SECTION 10.12.080 OF THE LA JUNTA MUNICIPAL CODE TO ALIGN WITH THE AMENDED ENFORCEMENT TIMELINE FOR JUNK VEHICLE VIOLATIONS.** The ordinance was introduced by title only, there being copies available to those in attendance.

CITY COUNCIL MEETING – June 2, 2025

MOTION TO PASS THE ORDINANCE ON SECOND READING: Velasquez

SECOND: Ramirez

DISCUSSION: It can't be said for a certainty that no one was ever towed before they were issued a citation. That would imply that there had been no cars towed since March 2024 when they adopted the 72-hour rule. Also, there may have been times when a vehicle that was determined to be a junk vehicle was blocking somebody's driveway or alley access. That would have been towed right away.

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

- B. Second Reading/AN ORDINANCE AMENDING CHAPTER 8.08 OF THE LA JUNTA MUNICIPAL CODE CONCERNING WEEDS, RUBBISH, AND LITTER TO CLARIFY DEFINITIONS.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON SECOND READING: Pantoya

SECOND: Ochoa

DISCUSSION: There was no discussion

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

NEW BUSINESS

- A. Presentation of the 2024 Audit.** Patrick Hancock and Andrew Froese with Hancock, Froese & Company went over the independent auditor's report and the government-wide financial statements. The ratio analysis worksheet shows the key financial ratios for the General Fund, Electric Fund, Water Fund, Sewer Fund and Sanitation Fund. (Audits may be found on www.lajuntacolorado.org under the "Finance" tab).

- B. First Reading/AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE SANITATION FUND FOR THE CALENDAR YEAR 2025.** The ordinance was introduced by title only, there being copies available to those in attendance.

Director of Engineering Montoya: The money being asked for today comes from the sanitation retained earnings. It's not coming from tax payer money. It is to start a cardboard project. It would divert cardboard waste to the landfill and for us to be environmentally conscious. The price of \$128,200 will cover the cost of about 200 containers to start the project. We have about 450 commercial businesses but not all of them have enough cardboard to contribute to this kind of program. Hopefully the Utility Board will set the rate at about \$25-\$30 a month. If all 200 containers are being used, this program will pay for itself in approximately three years. We already have a truck that we designated for cardboard pick-up. We would probably pick up on Mondays, Wednesday, and possibly Fridays. Once the truck is full, it would be taken to Clean Valley Recycling at no cost.

SECRA (Southeast & East Central Recycling Association) is in dire straits financially. They're looking at possibly calling it done. If that happens, they've reached out to another organization on the Front Range of possibly handing over the reigns to furnish the same kind of service that we already get as far as our containers over on Adams and a few other spots throughout town. They would hopefully be able to accommodate the same kind of service with those same containers for the community. I've also had talks with Clean Valley Recycling and told them that if there were some way they might be able to provide that same kind of service, we would look at handing that over to them versus a new company on the Front Range. But they would have to provide the exact same service or close to it.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Rikhof

SECOND: Velasquez

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DISCUSSION: Council Member Rikhof thanked Martin for supplying his letter, bids from several companies, justification for why the supplemental appropriation was needed and his thorough presentation.

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

C. Committee/Board Reports

1. AVRMC Board (Council Member Velasquez)

- Had a great combined dinner last week. The new interim CEO, Mr. Jean Miller, is here. He'll be working hand in hand with Heidi Gearhart and the senior leadership staff of the hospital during this period of transition.

D. Acting City Manager's Comments

- Water Department continues work on a main replacement at 6th & Colorado Avenue and hope to have a new valve in by this week.
- WFI is in town to clean, cut and camera the sanitary sewer collection lines. They are working in the areas of the brewery and Lewis Bolt Anchor Plant and a couple of other areas of concern.
- The Water Department is putting final touches on a Treatment Alternative Engineer Report on how the city in the future might treat for emerging contaminants.
- A bid to replace the tennis courts went out on May 20th and is due by June 24th. There's been quite a bit of interest.
- The Electric Department started their annual tree trimming around the power lines.
- The pool opened on Friday.
- The restrooms at all city parks are closed indefinitely due to vandalism.

E. Governing Body's Comments

1. City Attorney Harris:

- Rules of Ethics: In 2010, there was an amendment to the Colorado Constitution, ethics in government. In response to that, the city adopted some part of an ethics set of rules. As a home rule city, generally we're allowed to make rules for ourselves. Except at times when the state decides they still want to intervene. Initially, the case law made it appear that local governments just had to adopt the one part of the ethics code (the no gifts rule), which we did. There was a case that started in 2020 and was still getting attention as late as the fall of 2023 by CML. This case was a home rule city who said they were not subject to the Independent Ethics Commission which was established in the Colorado Constitution amendment. For those of us who were home rule, it stated that so long as we had adequate statutes of our own that we would be bypassed. But then this 2020 case began to say that it was not enough to have the no gifts ordinance. Every home rule city also had to have some means of independent oversight to be sure that ethics rules are being followed. If the home rule city did not have that, we would fall under the Independent Ethics Commission as well. So, the recommendation that CML made is that everybody who is a home rule city should consider whether they want to adopt some kind of ethics board or a separate ethics review opportunity besides just saying that the council reviews it because it had to be "sufficiently independent". As a home rule city, if we wanted to do it differently and remain with more local control, we would need to decide how we wanted to do that. Generally, people have their own ethics board that they make or many other towns use an example of having one particular arbitrating agent. It doesn't have to be a board but it has to be something that the words in the case law are that it needs to be "sufficiently independent". But if we're going to be talking about how we handle ethics and any of those decisions within the city, we will also want to address whether we have in place all that we need as a home rule entity because home rule can be wonderful, we get to make our own rules, but it means we do have to go to the effort to do that. If we don't have it in place, the Independent Ethics Commission at the state level would make those decisions instead.

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- Conflict of Interest form: The reason that disclosures can be important is that in all of the ethics rules that we see, if someone has made a disclosure concerning what is going on in their lives, at the state level, making that disclosure is protection against accusation, or other kinds of circumstances that develop along the way. If you've made that disclosure known to everybody in the group, the group has the opportunity at that time to bring up any objection. It's a way to try to quiet down the idea of a constant pressure of arguing that someone has an issue. If we were going to be trying to look at ethics at all, it would be how do we make sure that we've been as open as possible so that we can move past accusations of impropriety and that we're doing our best to comply.
- Quasi-Judicial Role: It seems as though we could provide better protections for those who are providing services for us by giving everybody a little bit of understanding of how that should be handled so that something improper isn't done out of accident and then brought up as something of a dishonest leader because we obviously don't want that but we also live in a small town. We aim as all of you, whether you're having your gatherings for your ward and trying to be accessible to people, you do aim to be available and yet once we start really emphasizing decisions that the council makes or the boards make, we want to be able to give you some guidelines about how to shut down conversations that are outside of the meeting itself. I'm hoping that as we develop this that it will become clear what I mean. One of the hardest things for all of you when you're trying to serve the public is when someone approaches you and says, can you fix this for me, and of course, you want to be as helpful as possible but you may also need a structure to fall back on or talking points to fall back on so that you understand what the rules are or the agreed upon circumstances.
- Censure: Adopting a rule that explains what censure means would be incredibly helpful. If we remember the example where a censure was used before, I remember watching the meetings and Mr. Malouff was asked repeatedly to explain what it meant to adopt a decision for censure. That could be clarified if we just wrote it into the rules instead of having to look it up and find out what it means in other places.

Mayor Ayala: I would like you guys to start looking at this and seeing what way we would like to go forward or if we even want to move forward.

(Discussion was opened up for the board.)

2. Mayor Ayala: You may have noticed that there is not an AVIS ordinance on the agenda. Chief Quick did get some more information as to what Councilman Stoker had asked. Rather than have him come here when we still didn't have all the information, we were going to wait until we get a lot more on that but I want to be clear, there was some talk that some people said if we pass this that Chief Quick would be able to utilize that system. Now, Ms. Harris, not all communities consider the lidar gun to be AVIS and if he wanted to, Chief Quick could actually start doing this now, correct?

City Attorney Harris: There are three different things going on there. Councilman Velasquez has asked me that before. Are we talking about okaying the use of lidar? No, of course not. The scanning thing is separate from that. What may be part of AVIS is start to finish, not having any contact with the driver. So, even if you use the gun, it creates a ticket, you review the ticket, or you talk to the driver, any part of that would make it different than what the AVIS statute requires.

Mayor Ayala: If Chief Quick wanted to, he could do that, he doesn't want to do that. He has no intention of doing that. He wants to work with the Council. He had been asked to look at ways to stop speeding in the City of La Junta. I'm going to send these out in an email. He gave me some stats on calls for service. They've been very busy and looking for creative ways. No one is trying to pass anything without this Council's knowledge. Chief Quick will be here as soon as he has all the information needed for you guys.

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- Citizen Participation: If I remember correctly during the cat discussion, we allowed citizens to speak about the cat ordinance when it was on the agenda. I think that it should not say for “non-agenda items only.” I think that they should be allowed to use their citizen participation to talk about agenda items but I also think that it should just be for that time. If someone brings up something outside of what is on the agenda, then we could face legal challenges for sunshine, open meetings violations. So, in order not to open up that, I would think that we would keep it as it is so we’re more of the decision makers. You never want to restrict someone’s speak either. So, if they start going on about something that’s not on the agenda, you don’t stop them because then they can say that you’re not letting them talk about what they want to talk about. I think giving them five minutes is generous.

Council Member Ochoa: Maybe we could just add “citizen participation for both non-agenda and agenda”, so it covers all bases.

Mayor Ayala: I would be open to that.

Council Member Rikhof: Or just say “citizen participation (5-minutes time limit per person)”. That makes it the most simplified. I did just have a conversation with Tom Hibbs. Apparently, he’s the reason we have a 5-minute time limit. I guess he came in and talked for an hour once and then the next city council meeting had implemented a 5-minute rule. I appreciate citizen participation and I think making it more inclusive is better. Thank you for hearing me out.

Mayor Ayala: I just want to say too, after one of those difficult meetings, people thought that you get five minutes and if you didn’t use it but if you showed up, you could then donate your five minutes to somebody else. We don’t do that anymore either. It’s just five minutes per person.

Council Member Rikhof: When I worked for Denver City Council you would have one or two minutes and you could put together 20 people and designate one speaker.

3. Council Member Rikhof: In addition to that conversation, I think we’ve had kind of a complete shift in leadership and where we are in the city. We have a new City Attorney and new City Manager. I think decades and decades of experience has left our city and we haven’t figured out as a Council how to do some things. I still have a lot of questions. I had the question about citizen participation. I would like to have an agenda with more than 8-12 working business hours to look over things and ask questions. The audit was like 111 pages and it was a lot to get through and be well prepared. I think that as the seven of us, we could have some conversations about how we do our business and the ethics conversation perfectly blends into that. There’s a lot of questions about communication. I think that we don’t do email very well, we don’t communicate well. I think when somebody has something that they want to send out to everybody, we don’t know how to do it. I don’t think we do it right. I don’t think that when there’s information that should be shared with everybody, whether its about things that are happening at the hospital or what’s happening at the cemetery, we don’t do a good job of lining ourselves up to be able to answer questions and be good leaders for our community. I think now is the perfect time for us to have a work session where we say, okay, how do we want to do business. I appreciated Michael Hart sending out his chain of command memo that he suggested. I couldn’t agree more. When we have conversations about how the city is doing business, I think we have seven different perspectives on how that should be done. We should get on the same page and we should do it in public. I’d like to request that we have a work session to discuss how the City Council does business with our new City Manager and our new City Attorney.

Mayor Ayala: We can definitely look at doing a work session like that. We have a lot coming up. Pam Denahy has a work session coming up about Economic Development at the end of this month. We still need to schedule a tour for Property Management. I also wanted to do some tours of just the regular departments like electric, wastewater and water. I’m all for it if we can make the time work and we will have to find some dates that work. I would just include that with

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the hospital; that's a very tough slope on what we're going to be doing. We're going to be working with the new interim and then going forward, whoever they select, as well as Paul, to just make sure we have better sharing of information between the two groups. There's a lot that Council can do and there's a lot that Council can't do. I think there's unfair expectations out there of what power this group has. Really the two people sitting on the ends are the only people that we can actually talk to about certain things. When you talk about sending out information, we're talking about open meetings law and sunshine. If we're all on the email and we're all sending that out, it doesn't mean that everyone is going to be in violation but I like to air on the side of not even putting myself in that situation. So, I'll send everything to Mel or Mr. Hart so I'm not sending that all to you guys to where you get the chance to reply back to me. In my last two years, we were under open laws sunshine like every other week and it got to where I did not want to even be in that ball game anymore. That's why I send out information the way I do. When it comes to you guys, I'm not saying you can't but I just air on not doing it that way.

Council Member Rikhof: Well, we had a perfect example at the last meeting. You had a conversation with our police chief directly. The police chief gave you information back directly and then it didn't get to the rest of us for two weeks. It was information that would have been great for the rest of us to have. There has to be a better way to get those kinds of conversations out to all of us. And, just now, you clearly have had many conversations with Chief Quick about traffic and speeding and again, I think those conversations need to happen either with the police chief to the City Manager or to all seven of us at the same time.

Mayor Ayala: So, how that works with those interactions with the police chief, I have asked Michael Hart questions and he will either direct me to the police chief, to our parks and rec person, to sanitation, if he doesn't have readily available answers. You guys can also do that if you do that through Michael Hart.

Council Member Pantoya: I've done that too.

Council Member Ochoa: And the public can as well?

Mayor Ayala: Yes

Council Member Ochoa: Again, when you were talking about the youth sports and you want to go straight to the school board because your child didn't get to play. These people are paid employees. They're the head of their departments. If anybody in the public has a question about the cemetery, the swimming pool, the streets, they can go to them too. It's not just up to us.

Council Member Rikhof: Agreed 100%. I'm so glad you stated it that way. I'm glad we're on the same page.

Council Member Velasquez: That's where we differ from the citizens or constituents is before we can go to Martin or Brock, we have to have permission from Michael Hart to speak to them. They do not. So, before I got talk to Chief Quick, I ask Michael Hart. That's in our Charter to get permission from the City Manager to speak to an employee. And I'd limit those conversations just to department heads because I would never approach a city employee that's out there doing their job and interrupt their time. Martin has certain expectations of his employees as does Brock that they don't need a City Council person interrupting. I know that's not what you were saying but that's where the constituents have ultimate free range and we do not.

Council Member Rikhof: I feel like this is a conversation we all need to have about how we all interact. I understand open records, how to send communications. I'm just saying that the way we're doing things right now isn't getting great results. I don't think we're being consistent across the seven of us. We should have a conversation about it in the future.

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Council Member Pantoya: When we come to City Council, we don't have a handbook, how to do everything. I didn't when I started and so I've been on here for four years and I've resolved a lot of issues that constituents have come to me if there's something that I think needs to be addressed and it's not getting resolved. I do mention it at the City Council meetings but that's always been how I've handled it just to be more efficient in our time here.

There being no further business, the meeting adjourned at 8:08 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joseph Ayala, Mayor

ORDINANCE NO. 1681

**AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS
TO THE SANITATION FUND FOR THE CALENDAR YEAR 2025**

FACT 1, the City of La Junta has adopted a budget for the calendar year 2025;
and

Fact 2, various funds anticipate expenditures and other changes not otherwise
anticipated at the time of the creation of the 2025 budget; and

Fact 3, the Utility Board of Commissioners has recommended approval for the
utility enterprise funds; and

NNOW BASED ON THESE FACTS, the City Council of the City of La Junta
approves the changes as follows:

<u>SANITATION</u>	Expense	Equipment-200 Dumpsters	\$128,200.00
	Revenue	Savings (Trx Retain Earnings)	\$128,200.00

PASSED on first reading this 2nd day of June, 2025.

ADOPTED and approved on this 16th day of June, 2025

CITY OF LA JUNTA,

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk

ORDINANCE NO. 1678

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LA JUNTA, COLORADO TO ADOPT RULES CONCERNING USE OF
AUTOMATED VEHICLE IDENTIFICATION SYSTEMS**

WHEREAS, pursuant to its home rule authority and Section 31-15-401, C.R.S., for purposes of promoting health, safety, morals and the general welfare of the community, the City Council has the authority to create laws that prevent and suppress activities that could prove harmful to the health, safety and welfare of its citizens, and pass and enforce all necessary police ordinances; and

WHEREAS, pursuant to its home rule authority and Section 31-15-702(1)(a)(I), C.R.S., the City is authorized to regulate the use of streets; and

WHEREAS, pursuant to Section 42-1-102(48), C.R.S., the City is defined as a "local authority" having the authority to adopt local police regulations under the constitution and laws of the State of Colorado, now therefore

THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO, ORDAINS:

Section 1. Chapter 10 of the Municipal Code of the City of La Junta is amended by the addition of a new Chapter 10.05 to read as follows:

Chapter 10.05. – Automated Vehicle Identification System

Sec. 10.05.010– Definitions.

For the purposes of this article, the following words shall have the following meanings:

Automated Vehicle Identification System includes a system to detect traffic violations imposed by traffic signals or traffic signs, and/or a system used to detect violations of a bus lane or bicycle lane restrictions. The term includes a system whereby:

- (1) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, the operator of the vehicle, and the license plate of the vehicle; and

- (2) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.

Notice of Violation shall mean a notice mailed via first class mail or personally served to a registered owner of a vehicle involved in any traffic violation detected by an automated vehicle identification system advising that the violation has been detected, or a similar notice mailed to the operator of the vehicle identified by a registered owner of said vehicle.

Civil Penalty Assessment Notice shall mean a notice mailed via first class mail or personally served to a registered owner of a vehicle involved in any traffic violation that has previously received a notice of violation.

Residential Neighborhood means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is 35 miles per hour or less.

Sec.10.05.020. – Notices of Violation in General.

- (a) If the City detects any alleged violation of a county or municipal traffic regulation or traffic violation under state law through the use of an automated vehicle identification system, then the City shall issue, or cause its vendor to issue, to the registered owner of the motor vehicle involved in the alleged violation, by first-class mail or personal service, a Notice of Violation.
- (b) The City may only issue a Notice of Violation for violations that occur:
 - (1) Within a school zone;
 - (2) Within a Residential Neighborhood;
 - (3) Within a maintenance, construction, or repair zone designated pursuant to C.R.S. § 42-4-614;
 - (4) Along a street that borders a City park; or
 - (5) Along a street, or portions of a street, which the City designates as an automated vehicle identification system corridor as set forth in Sec. 10.05.030.
- (c) The Notice of Violation must be served:
 - (1) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
 - (2) The license plate number of the motor vehicle involved in the alleged violation;

- (3) The date, time, and location of the alleged violation;
 - (4) The amount of the civil penalty prescribed for the alleged violation;
 - (5) The deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and
 - (6) Information on how the registered owner may either dispute the alleged violation at a hearing or pay the prescribed penalty.
- (d) To protest the Notice of Violation, the registered owner must request, in writing, a hearing to dispute the alleged violation. The deadline to request a hearing to dispute the Notice of Violation must be at least 45 days after the date of the Notice of Violation. At a hearing, the City may not require the registered owner to disclose the identity of the driver of the vehicle who is detected through the use of the automated vehicle identification system, but may require the registered owner to submit evidence that the owner was not the driver at the time of the alleged violation.

Sec. 10.05.021– Speeding.

- (a) *Violations.*
- (1) For a speeding violation of less than ten (10) miles per hour over the reasonable and prudent speed under a county or City traffic regulation or under state law through the use of an automated vehicle identification system, the violation shall be cited as follows:
 - a. For the registered owner's first offense, a written warning with no penalty of surcharge; and
 - b. For the registered owner's second or subsequent offense, a Notice of Violation.
 - (2) For a speeding violation of more than ten (10) miles per hour over the reasonable and prudent speed under a county or City traffic regulation or under state law through the use of an automated vehicle identification system, the City shall issue the registered owner a Notice of Violation.
- (b) *Civil Penalty.* The maximum civil penalty for a speeding violation under this Section, including any surcharge, is forty dollars (\$40.00), unless the violation is within a school zone, in which case the maximum penalty shall be eighty dollars (\$80.00). However, a

violation that occurs within a maintenance, construction, or repair zone designated pursuant to C.R.S. § 42-4-614 may be subject to a civil penalty of eighty dollars (\$80.00).

- (c) *Signage.* The City shall place an appropriate temporary or permanent sign in conspicuous place not fewer than 300 feet before the area in which the automated vehicle identification system is to be used to notify the public that an automated vehicle identification system is in use immediately ahead.

Sec. 10.05.022– Disobedience to a Traffic Control Signal.

- (a) If the City detects a violation of a municipal traffic regulation or traffic violation under state law for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum penalty, including any surcharge, is seventy-five dollars (\$75.00).
- (b) The City shall not use an automated vehicle identification system designed to detect disobedience to a traffic control signal or other violation of a local traffic ordinance unless the City posts a sign notifying the public that an automated vehicle identification system is in use immediately ahead. Such sign shall:
 - (1) Be placed in a conspicuous location not less than 200 feet and not more than 500 feet before the automated vehicle identification system; and
 - (2) Use lettering that is at least four (4) inches high for upper case letters and two and nine-tenths (2 and 9/10) inches high for lower case letters.

Sec. 10.05.030– Automated Vehicle Identification System Corridors.

- (a) Pursuant to C.R.S. § 42-4-110.5(2)(g)(I), the City identifies the following corridors as automated vehicle identification system corridors:
 - (1) Corridor 1: NONE AT THIS TIME.
- (b) Prior to using an automated vehicle identification system on an automated vehicle identification system corridor, the City shall post a permanent sign not fewer than 300 feet before the beginning of such corridor and a permanent sign not fewer than 300 feet before each camera within the corridor or a temporary sign fewer than 300 feet before any mobile camera.

- (c) The City shall illustrate, through data collected within the past five (5) years, incidents of crashes, speeding, reckless driving, or community complaints on the streets designated as an automated vehicle identification system corridor.
- (d) The City will coordinate with the Department of Transportation and Colorado State Patrol in designated corridors.
- (e) The City will publish a report on its website disclosing the number of citations and revenue generated by the automated vehicle identification system corridor.
- (f) The City shall not locate an automated vehicle identification system corridor on any highway that is part of the federal interstate highway system.

Sec. 10.05.040– Civil Penalty Assessment Notices.

- (a) If the City has not received the prescribed civil penalty or written notice requesting a hearing to dispute the alleged violation by the deadline provided in the Notice of Hearing, then the City shall issue, or cause its vendor to issue, a Civil Penalty Assessment Notice to be served on the registered owner either by first-class mail or personal service.
- (b) The Civil Penalty Assessment Notice shall contain:
 - (1) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
 - (2) The license plate of the motor vehicle involved in the alleged violation;
 - (3) The date, time, and location of the alleged violation;
 - (4) The amount of the civil penalty prescribed for the alleged violation;
 - (5) The deadline for payment of the prescribed civil penalty; and
 - (6) Information on how to pay the prescribed civil penalty.
- (c) If the registered owner fails to pay the full prescribed civil penalty by the deadline stated in the Civil Penalty Assessment Notice, a final order of liability shall be entered against the registered owner of the vehicle. The final order must be personally served to the registered owner. Final orders of liability may be appealed as to matters of law and fact to the Weld County Court.

- (d) The City may initiate or pursue a collection action against the registered owner of a motor vehicle for debt resulting from the final order of liability.
- (e) The City shall not report to the Department of Transportation any conviction or entry of judgment against a defendant for a violation of a municipal traffic regulation or traffic violation under state law if the violation was detected through the use of an automated vehicle identification system.
- (f) If the registered owner fails to pay the full prescribed civil penalty, the City shall not attempt to enforce the penalty by immobilizing the registered vehicle owner's vehicle.

Sec. 10.05.050– Vendors.

- (a) No portion of any fine collected through the use of an automated vehicle identification system may be paid to the manufacturer or vendor of the automated vehicle identification system equipment. The compensation to such vendor by the City shall be based on the value of such equipment and the value of any services provided and may not be based on the number of traffic citations issued or the revenue generated by such equipment or services.

Sec. 10.05.060– Data Retention.

- (a) The City shall:
 - (1) Program the automated vehicle identification system to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;
 - (2) Treat all photographs and video collected by the automated vehicle identification system as confidential and exempt from disclosure and inspection pursuant to the "Colorado Open Records Act" part 2 of Article 72, Title 24, C.R.S.;
 - (3) Not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the automated vehicle identification system except to the extent necessary to operate the program, including for purposes of processing violations, for other law enforcement purposes, for transferring data to a new vendor or operating system, or, pursuant to a court order, for use in unrelated legal proceedings; and
 - (4) Destroy any photographs and video of a violation collected by the automated vehicle identification system within three (3)

years after the final disposition of the violation unless the photographs or video are maintained in a separate system for other purposes allowed by law.

INTRODUCED, READ BY TITLE, AND ADOPTED on first reading this 5th day of May, 2025.

ADOPTED AND APPROVED on second reading on this 16th day of June, 2025.

CITY OF LA JUNTA, COLORADO

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk