

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

*Subject to approval at
the July 5, 2022
City Council Meeting*

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 Tuesday, June 21, 2022, 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 – arrived at 6:10 p.m.
Paul Velasquez, Ward 1 – via telephone
Elaine McIntyre, Ward 2
Joe Ayala, Mayor
Chandra Ochoa, Ward 2

Absent: Edward Vela, Ward 3
Lisa Pantoya, Ward 3

Also present: Rick Klein, City Manager
Bill Jackson, Asst. City Manager
Phil Malouff Jr., City Attorney
Debra Fraker, Admin. Asst.
Paula Mahoney, Admin. Asst.
Pat Hill, La Junta
Anita Potter, Ark Valley Hospice
CaSandra Thomas, La Junta
Angela Ayala, La Junta
Jeffri Pruyn, La Junta
David Bodie, La Junta
Ed Stafford, La Junta
Clara Stafford, La Junta
Patrick Hancock, Hancock & Froese & Co.
Andrew Froese, Hancock & Froese & Co.
Joey Gacnik, USDA
Julie Worley, La Junta
Ron Hall, La Junta
Tom Brann, La Junta
Dr. Tracy Taullie, 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 June 6, 2022. After hearing none, the Mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE JUNE 6, 2022 MINUTES AS PUBLISHED: Ochoa

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 5-0 (Vela and Pantoya absent)

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INVITATION: Moana, played by Gianna Ayala, invited all to attend “Moana Jr.” presented by the Children’s Theatre. It will be Wednesday, June 22nd through Saturday, June 25th at 7:00 p.m. in the La Junta High School auditorium. She then sang, “Warrior Face.”

ARKANSAS VALLEY HOSPICE: Anita Potter, Director of Arkansas Valley Hospice thanked the City Council for their hard work in our community. She then provided an update on the many years of experience in this facility. They have celebrated their 37th year, cover seven counties and currently have sixteen volunteers in the program. They are located at 531 Lewis Avenue in La Junta. She encouraged everyone to learn more about Hospice and speak with your primary care provider.

*****COUNCIL PERSON RAMIREZ JOINED THE MEETING AT 6:10 P.M.*****

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

1. CaSandra Thomas, 324 Lewis Avenue: CaSandra questioned whether the police were going to be patrolling in order to catch those who are illegally setting off fireworks since they are banned this year. She was informed that the individual(s) have to actually be caught in the act of setting them off. However, she has the right to file a formal complaint with the Police Department and testify in court. The fines are anywhere from \$0 - \$2,000 and are imposed by the Municipal Judge. She had another question regarding the Tree Program and Sidewalk Program and how one goes about applying for them. Mr. Klein informed her that there are applications to fill out and she can come to him with her information.

UNFINISHED BUSINESS

- A. **Second Reading/AN ORDINANCE AMENDING ORDINANCE NUMBER 1242 (THE ZONING ORDINANCE) OF THE CITY OF LA JUNTA AS CONCERNS A REQUEST BY RICHARD BOOK.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON SECOND READING: McIntyre

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 5-0 (Vela and Pantoya absent)

NEW BUSINESS

- A. **Presentation of the 2021 Audit Report.** 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.

- B. **First Reading/AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE GENERAL FUND, INTERNAL SERVICES FUND, PROPERTY MANAGEMENT FUND, ELECTRIC FUND, WATER FUND, WASTE WATER FUND AND SANITATION FUND FOR THE CALENDAR YEAR 2022.** 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: Ramirez

DISCUSSION: There was no discussion

VOTE: The motion carried 5-0 (Vela and Pantoya absent)

CITY COUNCIL MEETING – June 21, 2022**C. First Reading/AN ORDINANCE CONCERNING THE LIMITATION OF FEEDING FERAL CATS.**

The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Velasquez

SECOND: Ochoa

DISCUSSION:

1. Jeffri Pruyn, 5 Circle Drive: I believe there are ways to take care of our cat population. This ordinance is not the way to do it. I wanted to bring in professionals that could give their perspective. Tracy Taullie will be sharing her perspective. Pat Hill and his wife have been cat rescuers, trappers, spay and neuter. They are now in Ordway. (Shared information regarding feral cats.) Most of these colonies are mother and children cats. Most of the toms roam the streets. We don't even have a shelter where a cat can be taken to. I wanted to do something about the inhumane treatment of not having a shelter. I wanted a Humane Society in La Junta when I was Mayor. The cats are not preventing business from happening in the downtown area. What I am asking is you do one of three things:
 - 1) Scrap this ordinance and let's work together on something that will work. There are other places who have managed colonies.
 - 2) Go ahead and pass the ordinance and allow people like me to come and amend.
 - 3) If you go ahead with the ordinance and don't amend anything to it, then I respectfully ask that Ms. McIntyre, Mr. Ayala and Ms. Pantoya recuse themselves. It's a conflict of interest.

City Attorney Malouff: This is a critical legal issue regarding Ms. Pruyn's argument of conflict of interest. Ms. Pruyn's argument is not appropriate or relevant. I have checked the statute. It is no more a conflict of interest than if you were considering a smog ordinance and we all breath air and try to outlaw smog. That extension that has been proposed is invalid here. There is no conflict of interest by statute or municipal code.

2. Pat Hill, retired citizen: This is a community problem. It's not the people who are feeding the cats. They're just taking care of animals. People are just turning cats loose. This is very common. You're confused as to what to do, like many small communities. Not feeding and having starving cats is not an option. They won't go away. One female cat and her litter, in seven years, can produce 420,000 cats. Spay and neuter clinics is the answer. They're not expensive. They actually pay for themselves. My experience is, trap, spay and neuter clinics and releasing them back into the community is what works. The other things don't work. You've got to be proactive in stopping the reproductions. Not starving them to death.

City Attorney Malouff: This ordinance is saying that you can feed cats on your private property, just not on someone else's, or parks, government property, etc.

3. Joey Gacnik, USDA Wildlife Services: Our goal is to provide expertise where human and wildlife conflict exist. I'm not here to give an official stance on feral cats. The information I can bring to the discussion is first hand experience. As I understand, the issue is feeding these animals. In my work, I see hot zones of human/wildlife conflict where the wild animals are attracted to that food. I see an increase in damaged property and monetary loss by the public. The feeding stations are attracting those wild animals. When human and wildlife conflict there can be issues. All of these things' people have talked about, including the disease factors. The disease toxoplasmosis, known as "cat scratch fever" is spread by cat feces. It's important to think about and consider this information. I'm just here to share information.
4. Dr. Tracy Taullie, Ark Valley Animal Hospital: I want to reiterate that most of your feeding issues is leaving food out overnight. That's when the wildlife come out. If you had a specific feeding time and then picked up the food the wildlife issue would decrease. I'm a little concerned with what is trying to be passed. These cats are not going to go away because of

this. They are going to find food. They'll just be unhealthy, diseased more because their immune systems are down. This ordinance is not going to fix anything. You're going to make people mad and they're still going to keep feeding these cats. We need to get some sort of committee to do some managed colonies. The best thing you can do is trap, neuter, release continuously. Then you'll have a healthy population of cats that are spayed and neutered and they manage themselves. The easiest way to do that is to have a regular feeding schedule. Somebody does have to manage the whole thing. I do not understand why La Junta is the only place that does not require rabies tags. I've heard its because they don't want to deal with it. That would be such a huge source of revenue for the shelter. It's a safety issue. Why don't we implement having rabies tags? There are so many other things that can be done besides deciding not to feed them. It's not resolving anything but making the situation worse. There are so many ideas out there that can make such a big difference. Sometimes with the citizens you have to hit them with their pocketbook. There is a way to get this under control.

City Attorney Malouff: This ordinance doesn't say you can't feed cats. It says if you're going to feed cats, feed them on your property. People in a community have conflicting privileges and rights. There are unexpected consequences that may occur but the beauty of our system is we can make adjustments. This ordinance does not say to stop feeding cats.

5. CaSandra Thomas, 324 Bradish Avenue: I'm reiterating some things, making comments on other comments I heard. I was paying attention to the demeanor of Ms. Pruyn. I don't think this is an attack personally but it almost seems as if you're taking it as one. As a property owner in the area, I do have specific concerns and as an animal lover I have another set of concerns. One I'd like to point out, I feel that I'm a generous giver of the "Angel Fund", so I have personally been helping you. I also give generously to the La Junta Rescue who does the trap, spay, re-home and release in some cases. I'm not concerned about diseases with cats. I do have a lot of sympathy for hungry animals. I'm going to step over a hungry person to give a healthy dog a treat. I don't want any animal to go hungry. As a property owner, I wouldn't want animals lingering on my property or around my property causing other animals to come around. I don't want anybody doing anything that brings about something I don't want to happen on my property. The right for me to enjoy my property is more important than unclaimed animals. There are places that will take these unclaimed animals, maybe we need to pursue that instead.
6. Tom Brann, 1915 Colorado Avenue (home) 118 Colorado Avenue (business): For the record, I am an animal lover myself. I like cats and dogs but I don't like people feeding these cats behind my office. Littering with coats for them to sleep in. I don't like the feces that's around my building. I get that you care for these cats but I do not like the fact that they want to feed them on my property. I agree with what CaSandra said, I want to enjoy my property. I want to be able to go outside and leave my door open while I take supplies in and out of my room. If I choose to feed them on my property that's one thing however, I prefer that the citizens of La Junta don't take it on themselves to feed on my property.
7. Ron Hall, 602 San Juan Avenue, The Railyard: We have a patio where we serve food. We have patio furniture out there but we can't put cushions on them because the cats destroy it in an unseemingly manner. This issue is going to take several steps to fix and this is one step in the right direction. I don't want people feeding cats on my property. Nobody owns them. Calling these cats domesticated is simply wrong. The step that you're trying to take now is a sane and intelligent step. I would like you to pass this ordinance.
8. Angela Ayala, 1514 San Juan Avenue: I picked up a kitten in front of Modern Woodman that had a severe respiratory illness and a double eye infection. Much to my husband's displeasure, I took it home and I took it to the vet. I paid \$275.00 out of pocket. This cat was incredibly contagious, I have a neutered male cat that I love a lot. It's had its shots; it's been neutered and taken care of accordingly. This particular cat, I was told by my vet, was incredibly contagious. So much so that I had to seclude this cat in a bathroom for ten days while I medicated this cat and gave this cat eye drops. If this cat was left downtown, part of

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this colony, all of those cats would have had that problem. I didn't want that cat to die. It was laying in the middle of the sidewalk. I was going to the bank and I just found it. I think there's a better way of taking care of this problem. I don't see any harm in taking this step. I do think there's been a lot of good suggestions tonight. I wish people were passionate about all things in the City and not just the cats.

9. Clara Lee Stafford, 9 Circle Drive: I have a passionate love for animals. When I first heard about this, I was angry. I continue to be angry. This seems like such a petty issue. I know there are wild animals downtown, I have never seen them. I know Mrs. Shand took care of animals all over downtown. As far as I know, no one ever called her out on it. This seems like such a petty, petty thing to me. La Junta has all kinds of major problems. It seems to me that spay, neutering, trapping is the answer. We don't have an institution here in La Junta that takes care of these things. We have people like CaSandra, Dr. Taullie, another vet who does this. My husband and I have given money to Dr. Davis for years to help take care of animals whose people could not afford to have them spayed and neutered. We do not have a sufficient shelter which is something this council could address.
10. Mayor Ayala: I am a cat owner and enjoy cats. I don't think anyone on this council has a cat problem where they do not like cats. I don't want that mischaracterized for this. I'm also pro-business and I don't want our business owners to be offended by wanting to have a successful business here in town. You would still be able to feed these cats at your own home and you would still be able to do some of these other ideas we've talked about tonight. This is the first step. It's not saying we're going to starve cats. We've been talking about this since February. There's been numerous times for anyone to come in and give us these suggestions. We asked for help. Please continue to come. This will be an ongoing thing.

VOTE: The motion carried 5-0 (Vela and Pantoya absent)

D. Approval of the City of La Junta 2022 5-Year Strategic Planning Goals.

- La Junta Downtown
 - City Council envisions a safe flourishing downtown that provides the City with a strong commercial tax base where existing businesses and property owners are supported by policies that encourage special events, activation of public rights-of-way, and rehab or innovated reuse of properties.
- City Infrastructure
 - City Council strives to be active stewards of the City's existing aging infrastructure by actively planning for maintenance and upkeep while taking advantage of external resources to leverage the City's limited financial assets.
- City Staff
 - The City Council recognizes the importance of an experienced, well trained, and community minded staff that is appreciated for its hard work to complete the goals of the City.
- Council Communication with Citizens
 - The City Council wants to ensure that its electorate is well informed of the ongoing successes and future plans through transparent and reliable communications.
- Public Safety
 - The City Council envisions a safe secure community for its families and youth by providing its staff with the resources and enacting the policies necessary to protect its citizens.
- Economic Development and Community Amenities
 - The City Council wants to promote the redevelopment of the City's existing businesses and neighborhoods through improvements that increase the quality of life for all its residents with quality community amenities and workforce training that attract and retain a skilled workforce.

MOTION TO APPROVE THE CITY OF LA JUNTA 2022 5-YEAR STRATEGIC PLANNING GOALS:
McIntyre

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SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 5-0 (Vela and Pantoya absent)

E. A Resolution to Opt Out of the FAMLI Plan. Resolution No. R-13-2022 was presented for the council's consideration as follows:

WHEREAS, in November 2020, Colorado voters approved Proposition 118, which promoted the way for a state-run Paid Family Medical Leave Insurance (FAMLI) program; and

WHEREAS, the program is not effective until January 2023; and

WHEREAS, FAMLI provides workers with twelve (12) weeks of paid leave to take care of themselves or a family member during life events like injury, serious illness, or pregnancy; and

WHEREAS, participating employers and employees must contribute to premiums for FAMLI. Employers start collecting and remitting premiums January 1, 2023; and

WHEREAS, all municipalities are included in FAMLI by default, but a municipality may opt out and avoid the employer portion of premiums by a vote of the governing body; and

WHEREAS, the municipality must give prior notice of the vote in the same manner it notices other public business, must provide special notice to employees, and must take testimony before voting.

BE IT THEREFORE RESOLVED BY THE CITY OF LA JUNTA, COLORADO:

1. All notices have been posted (in conspicuous and accessible places) where employees at work can review the content of this resolution.
2. A vote to opt out starting in 2023 will occur prior to July 1, 2022, to ensure compliance with the timing requirements.
3. The La Junta City Council opts out of the program.

MOTION TO ADOPT RESOLUTION NO. R-13-2022: Ochoa

SECOND: Ramirez

DISCUSSION: There was no discussion

VOTE: The motion carried 5-0 (Vela and Pantoya absent)

F. Committee/Board Reports

1. Mayor Ayala:
 - All of our meetings are now live streamed. Go to the City of La Junta Public Notices Facebook page

G. City Manager's Comments

- We will be doing asphalt patching on Thursdays when material is available.
- We have received the final trail design approval from CDOT. We will be looking for the release of the DOLA grant.
- There was a water leak on Park Avenue.

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- We are bringing Martin Montoya, new City Engineer, up to speed.
- We are currently working on the 50/50 Tree Removal Program. The first round has eight applicants.
- We are at fire wind Stage 1 fire restrictions.
- We are also on Stage 1 water restrictions.
- There will not be fireworks show or sales of fireworks due to the dry conditions.
- The Auxilium parking lot at the Industrial Park has been striped.
- Prices continue to keep going up.
- The swimming pool is really busy. There were 600 kids on the 11th in attendance.
- We've had 138 people attend the library's first program and 400 have signed up for the Summer Reading Program.
- Paul Velasquez wanted to thank the Street Department for relocating the speed sign on 22nd Street.
- Starting in July, we will begin ticketing for watering during the off times.

H. Governing Body Comments

1. Council Member McIntyre:
 - Thankful for the invite for the BNSF trip that the Chamber of Commerce helped get organized.
 - Also, thank you for the free show at the Fox for the kids doing the Summer Reading Program.
2. Council Member Ramirez:
 - I want to thank City employees in general for the work they do every day for the City of La Junta.
 - I'd also like to thank the Police Department and Code Enforcement. They've been out a lot cleaning up the streets, taking care of vehicles that have been sitting for so long.
3. Mayor Ayala:
 - Thanked everyone sitting at the dais. It's not easy when it gets tough. Everyone up here wants to see La Junta get better. This is not done for pay. We genuinely love this community.
 - Eldon Gierhan passed away on Saturday. He is a big loss to this community.
 - Want to thank Dave Young, our State Treasurer, for coming down to our town.
 - Thank you to Patrick and Andrew for preparing and presenting the audit.
 - We need to work together to make La Junta a better place.

There being no further business, the meeting adjourned at 8:04 p.m.

ATTEST:**CITY OF LA JUNTA**

Melanie R. Scofield, City Clerk

Joe Ayala, Mayor