

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
September 18, 2023
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
Ayala
Ochoa
Vela
Pantoya

MINUTES OF PREVIOUS MEETINGS (Mayor) (Action)
Regular Meeting September 5, 2023

PRESENTATION OF YEARS OF SERVICE PLAQUE (City Manager)

PUBLIC HEARING: Application for Transfer of Ownership of a Retail Liquor Store License and Tastings Permit by Baljit Nagra, d/b/a Big D's Liquor Mart, 26730 W US Hwy 50 (City Attorney) (Action)

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

UNFINISHED BUSINESS

A. Second Reading/AN ORDINANCE AMENDING MANDATORY SURCHARGES (City Attorney) (Action)

NEW BUSINESS

A. Liquor Licenses (City Attorney) (Action)

1. Application for a Special Event Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is the Hall of Fame to be held September 30, 2023 from 1:00 p.m. to 11:00 p.m. at 612 Adams Avenue
2. Application for a Special Event Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is the Monster Bash Costume and Dance to be held October 28, 2023 from 7:15 p.m. to 11:59 p.m. at 612 Adams Avenue
3. Application for a Special Event Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is the Sip and Shop to be held November 4, 2023 from 9:00 a.m. to 3:00 p.m. at 612 Adams Avenue
4. Application for a Special Event Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is the SECOM/SECPA Christmas Party to be held December 8, 2023 from 4:00 p.m. to 11:00 p.m. at 612 Adams Avenue

B. A Resolution Concerning the Acceptance of a Dola Grant (City Attorney) (Action)

C. Committee/Board Reports

D. City Manager's Comments

E. Governing Body Comments

F. 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)

G. ADJOURN

*Subject to approval at
the September 18, 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 Tuesday, September 5, 2023, at 6:00 p.m. in the Council Chambers of the Municipal Building.

INVOCATION: Father Joseph Matitu gave the invocation.

PLEDGE OF ALLEGIANCE: Council Member Velasquez 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
Edward Vela, Ward 3
Lisa Pantoya, Ward 3

Absent: none

Also present:

Rick Klein, City Manager	Marie Garcia, Rocky Ford
Bill Jackson, Asst. City Manager	Kim Morlan, La Junta
Phil Malouff, Jr., City Attorney	Celeste Morlan, La Junta
Melanie Scofield, City Clerk	Dillon Morlan, La Junta
Paula Mahoney, Admin. Asst.	Sara Holt, La Junta
Dee Leyba, La Junta	Susan Dietrich, La Junta
Liz Randall, La Junta	Pamela Denahy, City of La Junta
Sarah Mahoney, La Junta	Connie Shane, La Junta
Mary Martinez, La Junta	Cathy Hurd, La Junta
Jerry Gonzales, La Junta	Angela Kurtz, La Junta
CaSandra Thomas, La Junta	Trent Yao, La Junta
Julie Worley, La Junta	Douglas Golding, La Junta
Don Rizzuto, La Junta	Kimberly Gallegos, La Junta
Felipe Salazar, La Junta	Kristine Rios, La Junta
Amy Salazar, La Junta	Robin Lopez, La Junta
Angela Ayala, La Junta	Chad Penner, La Junta
Terry Smalling, La Junta	Nancy Bennett, La Junta
Brooke Leonard, La Junta	Mike Bourget, La Junta
David Eckhart, La Junta	Gary Cranson, La Junta
Stephen Mathews, La Junta	Elaine Lewis, Swink
Angie Swedhin, La Junta	
Tonya Kersey, La Junta	
Tobias Kersey, La Junta	
Bethany Swedhin, La Junta	
Carly Boudreau, La Junta	
Lauren Medina, La Junta	
Christine Wynne, La Junta	
Adrian Hart, SECO News	
Bette McFarren, RF Gazette	

CITY COUNCIL MEETING – September 5, 2023

MINUTES OF PREVIOUS MEETING: Mayor Ayala asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of August 21, 2023. Hearing none, the mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE AUGUST 21, 2023 MINUTES AS PUBLISHED: Ochoa

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 5-0 (Vela abstained, Ward 2 Vacancy)

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

1. Dee Leyba, 2A4LJ Committee Co-Chair: The committee wanted to provide a statement in response to the interview that was recently published in the La Junta Tribune Democrat by Ward 3 Councilman and Mayoral candidate Ed Vela. There are several examples that are alarming because they're not factual. So, the claim that there are millions of dollars in the tourism account and it just sits there. The fact is there's less than \$1 million in the tourism account. The balance is roughly \$930,000 depending on recent intake of lodging tax and interest gathered from the accounts of which it is saved. The council and public are informed on the city's financials as they receive numerous updates. These updates and information can be found on the City of la Junta governmental website under board minutes. The public can also watch the actual meetings by going to City of la Junta Public Notices Facebook page where they're streamed live. The public should also be aware of the governing ordinance for the lodging tax. That ordinance clearly states that the lodging tax may not be used for the city's operating expenses. This ordinance was written, voted on, and adopted by the will of the people. When the tax was being discussed, there was concern that future councils could take advantage of this revenue or misappropriate funds for something other than its intended use. The limitations on for what purposes this money may be used are found in the enabling ordinance 1497 passed and adopted on the second reading on December 21, 2009. For any capital expenditure with the exception of tourism, information centers, and related purchases, and no funds may be used for the general operating purposes for the city. There is a claim that various city functions, the pool, the senior center, the library, the golf course in particular, have some effect on tourism, and for that reason, the lodging tax should be used in part to fund these amenities. But to do so, would violate the governing ordinance. To reaffirm the ordinance, the lodging tax cannot be used for capital expenditures or city operating expenses. Another claim, the lodging tax funds are just sitting there. The fact is, most of these funds are in interest-bearing accounts which bring in about \$3,000 per month in interest. This information is also publicly available on the City of La Junta governmental website. We encourage the public to reach out to Aliza Libby, Director of Finance, for confirmation on this or any other budgetary question. Even though the tourism board has done their job of spending their funds for direct tourism-related activities, this amount seems to show there needs to be a push on tourism. Though this is a valid concern that should be seriously considered, we are focused on proposition 2A. Facts surrounds our city's financial situation and reminding our La Junta voters that a 1% sales tax increase is paid by all consumers who visit La Junta, not just our residents. As a committee, we feel that La Junta voters should understand what is happening and why. We believe in the right to public information. We believe in fact checking our representatives and holding them accountable to the duties we have elected them to carry out. The 2A4LJ committee understand that passing a 1% sales tax increase alone will not save La Junta and there is more work to be done. But this is a necessary step in keeping our small town operational. Please take the time to follow up on claims by reviewing the publicly available information and make a truly informed decision. Thank you.
2. Terry Smalling, representing the Library Advisory Board: We came up with a resolution in support of ballot measure 2A. "Whereas, Woodruff Memorial Library, hereinafter referred to as the library, provides invaluable free services and opportunities for children, families, and members of the community from every walk of life. Whereas, the library provides children the services they need to support their educational growth from Story Times and Early Reading to science programs and career mentorship. Whereas, the library expends opportunities for people from all walks of life from children to senior citizens to students and job seekers by increasing access to technology, internet,

CITY COUNCIL MEETING – September 5, 2023

and job training. Whereas, the library improves the quality of life for families and community members through programming and group activities. Whereas, the library creates a welcoming and safe gathering place where anyone can belong, connect, and engage with, and build relationships with community builders. Whereas, the library collaborates with state, county, and municipal agencies, school districts, and art and cultural organizations, business groups, civic clubs, and health and social services agencies to maximize possibilities for community involvement. Whereas, the library provides and connects people with information and resources. Whereas, the library provides free and equal access to information and ideas to everyone. Whereas, in 2022, patrons visited the library 52,912 times and borrowed 57,756 items. And in comparison, even during the 2020 pandemic, when the library closed to the public and reduced hours for pick-up, patrons borrowed 51,496 items during that period. Whereas, in 2022, there were 4,571 patrons who attended library programs and 537 patrons participated in Make and Take-home kit programs. Whereas, on November 7th, 2023, a municipal ballot measure 2A will ask voters to consider amending the La Junta Municipal Code to increase the sales tax collected on all retail sales as defined in the municipal code from 3% to 4% beginning January 1, 2024 and passage of the municipal ballot measure 2A would allow the library to continue to provide services that the patrons expect. Now, therefore, be it resolved by the members of the Woodruff Memorial Library Advisory Board, that the board is in favor of municipal ballot measure 2A and encourages voters to vote yes. The members of the Woodruff Memorial Library Advisory Board support municipal ballot measure 2A and believe it to be in the best interest of the library and the community.” This was adopted on August 21st, 2023. Thank you.

3. Douglas Golding, 1316 Lincoln Avenue: Thank each of you for your service to the city and the opportunity for citizens like myself to express our concerns. I'd like to re-visit a concern brought out at the last town meeting. That is the appearance of the city. Particularly concerning weeds and trash. I have some suggested solutions. If we are not currently enforcing this ordinance and as in years past, I suggest that it be eliminated along with code enforcement that's charged with seeing these codes are enforced. The city currently provides weekly trash pick-up. There's an Otero County landfill and then a tree dump out at the Industrial Park. It is not the city's responsibility or their expense to take care of private citizens property. I'm not against any of these programs. I'm not saying they're bad. I'm just saying, given our situation, there's going to have to be some tough decisions. Putting out the containers for yearly clean-up. Alley clean-up in years past. It's not the city's responsibility to do this. All that encourages is people stock pile their trash for a year and wait till the clean up comes around. Second, concerning the 2A4LJ, I'm not going to suggest people vote for or against. I just want to bring up some facts that I haven't necessarily heard about it. First, I don't like the negative scare that we're going to shut down the golf course, the library, the swimming pool, the senior citizen, if it doesn't pass. I know and I know you know, that would be economic suicide for this city. Without these facilities, people are going to leave. And you know it. I for one. If I don't have a golf course here, I'm probably going to find some place that has one. And I'm not alone. I've heard from lots of people they're here for certain things that the city provides. If people leave, then you're going to receive less revenue, less people buying things. The solution to the city's financial problem, I think, is two fold. One, cut expenses and another raise revenue. The city revenue along with prices of goods has increased through the years. A percentage of tax brings more into the city as the price of goods go up. Also, there, as noted by Councilman Vela, the \$17.00 facility charge was never taken off, even though the facility was paid for. So, that's coming in extra. Along with some utility rate increases. Back to past years, we've moved locomotives, we've developed the hill location for it, the creation of several new parks, new parking lots, purchase of new Christmas decorations I saw last year, all of which are wonderful. The lighting on the tower. I love it. I'm not against these things but if we can't afford to do them then we can't do them. Are there expenses that the city at this time cannot undertake. The city runs sports programs. I know some of the ideas I'm presenting are going to make heads turn and say, whoa. But I'm going to discuss them. City run rec sports programs. It needs to be paired back. I don't see any value in parent-run programs for 6, 7, 8 year olds. Any child under, I would say 6th grade, they need to be outside playing with their friends, learning how to cooperate, make rules, decide how they're going to play, what they're going to play. Parent involvement just takes all this away. We're raising kids that can't do anything unless the parent's say do this. So, we can pare that program down, save some money.

CITY COUNCIL MEETING – September 5, 2023

4. CaSandra Thomas, 324 Bradish Avenue: Thank you council for your services to the community and for the time for me to speak today. I have concerns that there may be citizens that believe Mr. Vela about the city budget matters. I read the article in the newspaper or rather the full-page free advertisement for his mayoral bid where he's quoted. When he said that this was a scare tactic or a threat, that's actually a little insulting. The city isn't trying to scare us, they're just relaying the math of the situation. When Mr. Vela said, we should use the money we have in the city coffers. So, apparently, he doesn't understand that to be solvent, we have to keep money in reserve. He didn't understand that the utility bills go up because the cost of everything relating to the utility department has gone up. Parts, fuel, staff, power generated elsewhere that we have to purchase. He talked about looking at the tourism fund. That was established specifically for promoting tourism and is a percentage charged for the lodging only and it's not the city's money. That's specifically for the tourism board. The nursing home is funded by a special tax. That's not the city's money. Mr. Vela said that nobody in the city can explain how they intend to spend the tax increase and that makes it sound kind of shady. If you look at the budget and I have, just as everything costs us more to shop and travel and pay our insurance and hire a contractor, the city has to pay for things also and it costs them more money for these things as well. I'm concerned that Mr. Vela isn't understanding that. He said the city always balanced the budget without tax increase or cutting services. Again, the city has been able to pay its bills because it's been dipping into our reserves and we're starting to run out of reserves. I'm concerned that Mr. Vela doesn't understand that. Money has to stay in reserve. I'd also like to mention that Mr. Vela was beating the streets looking for support of this tax increase the last go around, and I'm assuming he's opposed to it this time just to try to drum up some votes. We've all seen the closed storefronts around town. I know it's hard to keep a business going. We all need to keep in mind that cities, every city, is funded by the sales taxes they bring in. When we don't buy local, that's less money for our town to operate on. When a store closes that's one less business that is collecting sales tax to fund our city. I probably spend more than most people. I don't like that everything's going up in price but I think this tax increase is a necessity to keep our town in a strong financial position. Thank you for your time.

5. Carly Boudreau, 15 E 5th Street: I have a couple of questions for you Mr. Vela. I'm going to need you to be as concise as possible when you answer your questions. Do you know exactly how much is in the tourism fund right now?

Council Member Vela: Almost a million dollars.

Carly Boudreau: Do you know exactly how much? Yes or no.

Council Member Vela: It's in one of the budget books there next to you.

Carly Boudreau: So that's a no. But you know where to find it?

Council Member Vela: Yeah.

Carly Boudreau: Are you aware that it doesn't say like a typo where it says millions. It says literally there are millions of dollars. That's like a whole sentence. That's not like a typo where it ends in 's'. You do know that it says that? Is that a yes or a, no?

Council Member Vela: Yeah, that's a complete misstatement.

Carly Boudreau: Are you going to ask for a retraction from the paper? Do you agree with me that that's an egregious misrepresentation of how much money is in the fund?

Council Member Vela: Do you do this with the other . . . ?

Carly Boudreau: I'm not asking you that sir. I'm asking if you think that's an egregious misrepresentation. I have five minutes. I need you to answer my question.

Council Member Vela: Please back off from the mic because you're coming in muffled.

Carly Boudreau: I'm sorry sir. Let me try again.

Council Member Vela: You're from where?

Carly Boudreau: I'm from here. I need you to answer my question. I have five minutes. Do you agree that its an egregious misrepresentation to say millions even if it is a typo?

CITY COUNCIL MEETING – September 5, 2023

Council Member Vela: No.

Carly Boudreau: No? You think that millions and million are the same?

Council Member Vela: No.

Carly Boudreau: So, you think it's a misrepresentation to say millions instead of million even if it's a typo? You would say that that would misinform a voter?

Council Member Vela: There was going to be a retraction later.

Carly Boudreau: Oh okay. There was?

Council Member Vela: No, because that newspaper only comes out once a week.

Carly Boudreau: Oh fascinating. Okay. Will it be as big as the headline article that you're in today?

Council Member Vela: I'm not sure.

Carly Boudreau: Is the retraction already posted on the online version? Sorry sir, I have five minutes. I need to be quick.

Council Member Vela: You're very rude.

Carly Boudreau: Yes sir.

Council Member Vela: I haven't answered the question.

Carly Boudreau: I'm quite rude. I have five minutes.

Council Member Vela: I can't answer your question.

Carly Boudreau: Do you intend to push for there to be a retraction, since it's a grievous misrepresentation of what you believe to be true?

Council Member Vela: I can't answer your question.

Carly Boudreau: Why not sir?

Council Member Vela: I can't answer your question.

Carly Boudreau: Why?

Council Member Vela: I can't answer your question.

Carly Boudreau: Wow, you're not a very good councilman if you can't answer a basic question sir. I have another question for you sir. How much time do I have left? Three minutes? I'm doing good. Regarding the \$17.00 utility charge, do you know what it's presently being used for?

Council Member Vela: Sure.

Carly Boudreau: What?

Council Member Vela: Enterprise funds.

Carly Boudreau: Do you want to be more specific for me? And by that, I mean, be more specific for me.

Council Member Vela: It's enterprise funds that are used for all utilities. It's a separate one. It's too lengthy to explain it. You can see it in the. . .

Carly Boudreau: Okay. Would anybody else here like to try to explain it for me briefly?

City Manager Klein: Yeah. The \$17.00 was put on when we built the reverse osmosis plant. It did not have a sunset on it because we realized that our distribution systems aged so much but it was used to pay off the water treatment plant and just like what we thought, we gotta use it to start replacing pipes and stuff. But now, with all the inflation and stuff like that, that money just . . .

Carly Boudreau: Okay. So that \$17.00 on the utility bill is being used for . . .?

City Manager Klein: Just water.

Carly Boudreau: Right, so it's only being used for pipes and mains. Is that correct?

CITY COUNCIL MEETING – September 5, 2023

City Manager Klein: Yes, ma'am.

Carly Boudreau: So, it's presently being used for those. Is that correct Mr. Vela?

Council Member Vela: You just heard the man.

Carly Boudreau: Oh, that was very complicated to explain. Is that something you believe can be reallocated without letting those deteriorate?

Council Member Vela: You know, I think you're here from out of town.

Carly Boudreau: I live here.

Council Member Vela: You're here to establish a name for yourself.

Carly Boudreau: I live here sir.

Council Member Vela: I know. You just moved recently.

Carly Boudreau: I literally didn't. I moved a year ago and . . .

Council Member Vela: Welcome to La Junta.

Carly Boudreau: . . . and I'm here for as long as I can be.

Council Member Vela: Wait to you live here a little bit and then you might get oriented.

Carly Boudreau: Okay. That's a fascinating way to phrase it sir. You really, really hate people coming here that much sir?

Council Member Vela: I don't hate anybody, including you, which I had a Facebook encounter with and you took out that response.

Carly Boudreau: Oh, that's right. Did that hurt your feelings?

Council Member Vela: No.

Carly Boudreau: Oh, and you remembered? Fascinating.

Council Member Vela: Yeah.

Carly Boudreau: I have no further questions for you sir, since you can't answer them. But thank you so much for your help, sir (looking at City Manager Klein).

City Manager Klein: You're welcome.

Carly Boudreau: You were quite informed.

6. Kimberly Gallegos, employee of City of La Junta: I am the Programming and Outreach Coordinator at Woodruff Memorial Library. The information I'm giving right now is not only to inform our city council, who most of them know all of these things, but more importantly to inform our community. So, when they are making a decision for this ballot measure, they are informed. I wanted to share some statistics with you in case there is anyone in the library that is at a place in their life where they think libraries are not needed anymore. When I spoke here before, I was telling people who were listening that we found out during the pandemic that we are very much needed. So, I just wanted to share some statistics with you from this past year and then also kind of comparing them to where we were at in 2019. All of that is just a picture for you to understand that we were at a certain place in 2019, the pandemic happened, and we are working our way back up. All of this just to show you that we are still very much vital to our community. So, in 2022, we circulated 57,756 items. In comparison to 2019, we had 91,246. We have a lot of online resources. That number for 2022 was 3,239 but in 2019, we were at 8,295. Anybody that calls to the library and they need answers to a question of some sort or information, for 2022 that was 4,819. I want to go back to our door count. For 2022, it was 52,912. But in 2019, we had 100,974 people walk in the doors. In 2022, 175 programs that brought in 4,571 people but in 2019 we had 438 programs that we offered, bring in 10,510 people. We had 13,910 times that people came in to use a computer. In 2019, it was 34,425. We also offer a VPC clinic. This is a self-help legal clinic. We had eleven clients with twenty-nine patrons that attended. 48% were civil, 10% property, 31% domestic, and 10% probate. This is fifteen minutes with an attorney to get legal advice for free. Our library became part of the

CITY COUNCIL MEETING – September 5, 2023

Dolly Parton Imagination Library Colorado in June. It provides one book per month per kid ages birth through 5 years old in Otero County. By providing books every month at no cost to families, the Imagination Library increases childhood literacy rates, fosters a love of books and promotes a culture of reading among all families in Colorado. The state pays for half of the funding through a grant in the Early Childhood Council. Bent, Otero and Crowley counties pays the other half. We registered 290 and graduated 25, which means they turned 5 during 2022. Nineteen different volunteers completed 520 hours of service to the library. Most of those hours were from the teen volunteers that help us with the Summer Reading Program. I'll be back to share more statistics for anyone out there that thinks that we can do La Junta without a public library. Thank you.

Mayor Ayala: I want to remind everybody here; citizens participation is for you to let us know your issues. If a council member chooses to ask you a question, that's one thing, they're not required to answer you. If you choose to interact back with them, that's on you. It should be for us to listen. We might not know the answer. We want to do our research and give you the right answer, not just a fast answer. We're not required to answer that part. That's your five minutes. I appreciate you all for doing that.

NEW BUSINESS

A. **Present the 2024 Budget.** Finance Director Aliza Libby delivered the 2024 budget. A budget work session will be scheduled in the near future.

B. Liquor Licenses.

1. **Application for a Special Event Permit by La Junta Chamber of Commerce, Angela Ayala, Event Manager. The event is the 2nd Annual Tarantula Fest to be held September 30, 2023 from 12:00 p.m. to midnight at Live Well Park.** 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 LA JUNTA CHAMBER OF COMMERCE FOR THE 2ND ANNUAL TARANTULA FEST TO BE HELD SEPTEMBER 30, 2023 FROM 12:00 P.M. TO MIDNIGHT AT LIVE WELL PARK: Vela

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 5-0 (Ayala abstained/Ward 2 Vacancy)

2. **Application for Renewal of a Hotel & Restaurant Liquor License by The Steakhouse LTD, d/b/a The Steakhouse LTD, 27866 Frontage Road.** 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 THE STEAKHOUSE LTD, D/B/A THE STEAKHOUSE LTD, 27866 FRONTAGE ROAD: Pantoya

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ward 2 Vacancy)

- C. **First Reading/AN ORDINANCE AMENDING MANDATORY SURCHARGES.** City Attorney Malouff explained that through his tenure here, in terms of the valley and the perceptions of citizens in the valley, La Junta Police Department is by far the leader. They are the hallmark of good police departments. They are highly trained. They provide training to other police departments. They're the leaders in this area. That has come at no easy chore or task. Part of it is that about 20 years ago, we created a special fund where an additional \$5.00 surcharge was tacked onto moving offenses. Every time there was a conviction, that \$5.00 went into a fund for training for the police officers as well as for equipment that they need. As in everything else, costs have gone up and

CITY COUNCIL MEETING – September 5, 2023

revenues have gone down. As part of a process in trying to find ways to not necessarily tax the citizens but to impose additional fees on violators of our code, the police department suggested that that \$5.00 surcharge be expanded to include all municipal offenses not just moving violations. 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: The monies go into a special fund and is used for training and equipment for the police department. Training is a great way to retain officers.

VOTE: The motion carried 6-0 (Ward 2 Vacancy)

D. Committee/Board Reports

1. There were no committee/board reports.

E. City Manager's Comments

- Weeds, weeds, weeds! Over 200 weed notices have been sent out.
- Early Settlers Day is this weekend.
- Bent's Fort is turning into a stagecoach stop on Friday and Saturday from 9:00 a.m. to 4:00 p.m.
- Catching up on all the water department patches. Only getting asphalt on Thursdays.
- Replacing the road from 1st to 3rd Street on Carson Avenue.
- It's not a scare tactic. This is a weight that I wish I could get off my shoulders. We'll find out in November. Whenever I hear that we're trying to scare, I just wish that everybody was listening back in 2015 when I was out there pitching and we wouldn't have been in this predicament. In 2015, after it didn't pass, the Rural Fire, which is a special tax district (property tax), came to our rescue so we would have the police, fire and EMS services like we have today. They saw the rules were changing and they came to the table. Let me make it real clear. They just came to the table again. They heard everybody talking about, well look at all that new fire equipment that they're buying. That wasn't ours. We own one piece of equipment and that's the ladder truck and we've always had the ladder truck because we're the community and we have the taller buildings. They came to table again and took us off the hook and they're going to pay for the payments for that fire truck, in order so we don't lose more employees. Thanks!

F. Governing Body Comments

1. Mayor Ayala:
 - I want to thank everyone for coming out. Whatever your reason was. Thank you. I don't care if you've been here one day or 30 years. I thank you for being apart of this town, being a part of this community. There's a lot that is hopeful about the future of La Junta. You just have to bear with us a little bit longer and we'll get through this. There is going to be another city town hall meeting on the 12th of September at 6:00 p.m. here in the Council Chambers. That one's going to be a crime town hall. It's going to be myself, Mr. Malouff, Chief Quick and Deputy Chief Scott Copley.

There being no further business, the meeting adjourned at 7:04 p.m.

ADMINISTRATIVE HEARING – EDWARD VELA was held from 7:21 p.m. to 8:36 p.m.

CITY COUNCIL MEETING – September 5, 2023

CALL TO ORDER: A meeting of the City Council of the City of La Junta, Colorado, was called back to order by Mayor Ayala on Tuesday, September 5, 2023, at 8:37 p.m. in the Council Chambers of the Municipal Building.

ROLL CALL: The following Council Members were present:

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

Absent: none

Mayor Ayala: Do I have a motion?

MOTION TO CENSURE MR. VELA ACCORDING TO WHAT WE'VE HEARD TONIGHT AND TO THE EXECUTIVE SUMMARY REPORT THAT'S BEEN PROVIDED AND IS NOW PART OF THE OPEN RECORD: Velasquez

SECOND: Ochoa

DISCUSSION: (The following discussion took place.)

City Attorney Malouff: A censure is a statement by the issuing body, in this case, the council, that they do not approve of the actions and that the recipient of the censure should be warned that his actions are unacceptable. From a legal point of view, he's told that was a no-no, if it passes, and you're put on notice.

Council Member Velasquez: As an explanation as to how I came to that conclusion of where I made the motion for a censure. I keep thinking of three words: responsibility, accountability, and ownership. Those are the three things where public trust lives in everything that we do. We have the responsibility as a city council to be accountable. And part of being accountable is accepting ownership. And again, that's where I say that that's where the public confidence, not only in this body, but in every body that's been elected, whether it's a school board, whether it's from the top down, from the highest elected offices to the La Junta City Council. That's where the public trust lives. And we can only work on rebuilding that. So, that's how I determined and made my decision for this.

Council Member Vela: Whatever happened to shop local everything Dean? Why did you have to go to Denver for a company that has nothing but CU grads of which you're an alumnus? And, what was your censure when you got in trouble?

Mayor Ayala: No, we're not talking about anything else.

Council Member Vela: I'm not talking to you Joe.

Mayor Ayala: Well, I'm telling you that's out of line.

City Attorney Malouff: I'm glad to answer it. I bought ownership in a mistake that I made. I admitted it to the people that I needed to admit it to. I bought ownership. I said, I screwed up. I admit it and I'll take whatever you knock me at and that's what happened there. In terms of trying to get you a fair shake Mr. Vela, we wanted to go as far away as we could so that the investigator would not be biased by all the things that you suggested like this was a scheme because you were anti-tax or people don't like you. We just wanted to give the facts and that's what we did.

Council Member Vela: Your censure was purely ceremonial, right?

City Attorney Malouff: Just like yours is.

Council Member Vela: There's not going to be anything. I'm just, you're just going to say that I have been censored. That doesn't prevent me from participating in the council.

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City Attorney Malouff: Already said that.

Council Member Vela: Censure is just a ceremonial thing but at the same time there was Paul's talking like when that door was open, hello, who's there? No way. You saw how big the door opened. How can you say that? And the little girl that I saw with the crown and the little red top. I saw her crown, her face, and her left shoulder.

City Attorney Malouff: . . .

Council Member Vela: I'm not done. Then you can take over.

City Council Malouff: You're never done Mr. Vela but I'm going to tell you that when you and your statement suggest that you expect them to apologize to you, somebody isn't thinking correctly. Do you deny that you said that? You wanted an apology from them for besmirching you. Come on, Mr. Vela.

Council Member Vela: You know what you wanted from me. You wanted me not to run for office. You wanted me to shut up. You wanted me to take a sick leave for the rest of my term. This was early on and you said that came from the mayor.

Mayor Ayala: This is out of order.

City Attorney Malouff: I offered a whole variety of different choices to keep us from coming to this and you, the only thing I heard back was you wanted them to apologize.

Council Member Velasquez: Point of order.

Mayor Ayala: Call for the question.

Council Member Vela: I'm never going to admit to something even if it appeases some people. If I had clear intent, I would do it. But when I left . . .

Council Member Velasquez: Call for the question.

Mayor Ayala: Call for the question.

Council Member Vela: I have the podium here. I went straight . . .

Mayor Ayala: Mr. Vela.

Council Member Vela: I went to take care . . .

Mayor Ayala: Mr. Vela.

Council Member Vela: I'm not done.

Mayor Ayala: You're done. You can't . . .

Council Member Vela: Dean tell him. You can't call point of order when somebody's discussing.

City Attorney Malouff: He can call a point of order.

Council Member Vela: Not during the discussion. I haven't finished my presentation.

City Attorney Malouff: There's now a motion on the floor which is superior to yours, that says cutting off discussion. That needs to be decided. The council can vote on that.

Council Member Vela: As a result of my military experience, (audience disturbance) I developed these things and they went through my nose. That's all I was interested in. I was never in the back. Period. Well, for coffee. I always come in first. Get my coffee and that's it. I know I did on that particular day.

Mayor Ayala: Mr. Vela, you're done. (audience disturbance) We can't have any audience participation, I'm sorry. I'm going to ask for the vote.

VOTE: The motion carried 5-0 (Vela abstained, Ward 2 Vacancy)

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joe Ayala, Mayor

PRELIMINARY FINDINGS

TO: **PUNJABI 4 CORP**
26730 W. U.S. Hwy 50
La Junta, Colorado 81050

RE: Application for Liquor License

The City of La Junta as the liquor licensing agency submits herewith its findings required by Section 12-47-137 of the Colorado Revised Statutes concerning the results of the City's investigation. Those findings are as follows:

1. That the application is in proper order, the necessary fees having been paid, and the requisite checks and drawings are in order.
2. That the premises sought to be licensed is located at 26730 W. U.S. Hwy 50, in La Junta, Colorado.
3. That the premises is presently zoned in a manner that will accommodate the proposed business.
4. That the premises sought to be licensed is currently under a similar type of liquor license.
5. That the premises is properly occupied by the applicant.
6. That the proposal premises outlet is not within 500 feet of any public school or parochial school.
7. Notice of hearing has been given by posting of the premises as required by law and by publication in a newspaper of general circulation within the City of La Junta, being the La Junta Tribune-Democrat, more than ten days prior to the hearing date.
8. That the neighborhood to be served is designated as the City of La Junta.
9. That the closest outlet with a liquor license within the City of La Junta is at Loaf N' Jug, 918 W. 3rd Street, La Junta, Colorado, which is 1.5 miles from the premises sought to be licensed.
10. That there are other outlets of similar nature within the neighborhood (see Exhibit "A").

CITY OF LA JUNTA


By: Phillip F. Malouff, Jr.
City Attorney

EXHIBIT “A”

LIQUOR LICENSED ESTABLISHMENTS

CITY OF LA JUNTA

(as of 08/2023)

Club Liquor Licenses

1. BPOE Lodge #701, 119 Colorado Avenue

Fermented Malt Liquor Licenses

1. Love's Country Store, 308 E. 1st Street
2. Mini Mart, (Loaf N Jug), 918 W. 3rd Street
3. Safeway, 315 W. 2nd Street
4. Wal-Mart Super Center #1384, 6 Conley Road
5. Family Dollar, 614 E. 1st Street

Hotel & Restaurant Liquor Licenses

1. Boss Hogg's Saloon and Restaurant, 808 E. 3rd Street
2. Mexico City Café, 1617 Raton Avenue
3. The Steakhouse, 27866 Frontage Road

Tavern Liquor Licenses

1. Eagle Lanes, 2420 San Juan Avenue
2. B.J.'s Sports Bar, 10 E. 2nd Street
3. The Railyard, 114 Colorado Avenue
4. Red Dog Revisited, 709 E. 3rd Street

Retail Liquor Store Licenses

1. Big D's Liquor Mart, 26730 W. US Highway 50
2. J & S Liquor Store, 302 E. 1st Street

Lodging & Entertainment Liquor Licenses

1. Fox Theatre, 11 E. 3rd Street
2. Yak and Yeti Hotel, 1325 E. 3rd Street

Beer & Wine Liquor License

1. Asian Café, 414 W. 1st Street

ORDINANCE NO. 1648

AN ORDINANCE AMENDING MANDATORY SURCHARGES

WHEREAS, the City had determined that continuing education of its police force is necessary to maintain the police force's professional standing and expertise; and

WHEREAS, the City had determined that proper equipment for its police force is necessary to maintain the police force's professional standing and expertise; and

BE IT THEREFORE ORDAINED AS FOLLOWS:

SECTION 1: That Section 2.49.51 is repealed in its entirety.

SECTION 2: That a new Section 2.49.51 is enacted as follows:

2.49.051 - Municipal Code Violation Surcharge.

Effective October 1, 2023, a municipal code violation surcharge of five dollars (\$5.00) shall be imposed as additional court costs on all convictions, deferred judgments or deferred prosecutions of any municipal offense prosecuted within the Municipal Court.

SECTION 3: That Section 2.49.52 is repealed in its entirety.

SECTION 4: That a new Section 2.49.52 is enacted as follows:

2.49.052 - Surcharge Funds.

The Clerk of the Municipal Court shall turn over the municipal court violation surcharge funds to the City Finance Officer, and the City Finance Officer shall make the funds available for use pursuant to 2.49.05.3.

SECTION 5: That Section 2.49.53 is repealed in its entirety.

SECTION 6: That a new Section 2.49.53 is enacted as follows:

2.49.053 - Use of Municipal Court Violation Surcharge Funds.

- A. Effective October 1, 2023 and continuing thereafter, the municipal court violation surcharge shall be used for the purposes set out in Section 2.49.053(b), unless the City Council directs the same for some other law enforcement purpose.
- B. Effective October 1, 2023 and continuing thereafter, the municipal court surcharge shall be used for the training of officers of the La Junta Police Department and for purchase of equipment related to the training of the officers in a manner determined by the City Manager.

SECTION 7. The effective date of this ordinance shall be for all prosecutions occurring after October 1, 2023.

PASSED on first reading this 5th day of September, 2023.

ADOPTED AND APPROVED on the 18th day of September, 2023.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk

RESOLUTION NO. R-11-2023

A RESOLUTION CONCERNING THE ACCEPTANCE OF A DOLA GRANT

WHEREAS, SECED received a DOLA Planning Grant to assist the six-county region with housing and zoning code updates. The DOLA IHOP grant offers Counties and Municipalities across the six-county region the opportunity to update zoning codes that incentivize housing development through the adoption of "Qualified Strategies"; and

WHEREAS, the SECED board is moving forward with the potential creation of a six-county Multijurisdictional Regional Housing Authority (RHA). This is a quasi-governmental entity that will be able to leverage funds collaboratively across the region; and

WHEREAS, this Board is being formed at the county level to ensure local municipalities can bring forward projects for funding or other development assistance without placing local elected municipal leaders or planning commissioners in a position that could possibly jeopardize their quasi-juridical authority of reviewing a development within their jurisdiction; and

WHEREAS, the RHA also ensures through its legal IGA creation that our local municipal governments retain their land use authority on reviewing housing development applications; and

WHEREAS, the RHA will use SECED to be the managing agency to oversee the finances and complete a yearly audit as required by law; and

WHEREAS, by "opting in", the City of La Junta will be eligible to access funding from the State Affordable Housing Fund. Opting in is committing the City of La Junta to increase its affordable housing stock by 3% a year or 9% over the next three years; and

WHEREAS, if the City of La Junta opts into Prop 123, the City is required to have passed policies by resolution or codified zoning codes that included expedited review (or fast track review) processes for affordable housing land development applications by 2026; and

WHEREAS, AFFORDABLE HOUSING UNIT is defined as a dwelling unit which is available for rental or purchase on terms that would be affordable to households earning sixty (60%) percent or less of the median income for rentals or earning one hundred (100%) percent or less of the area median income (AMI) for ownership of County residents, as adjusted for family size; and

WHEREAS, projects containing Affordable Housing shall be fast tracked by being scheduled for the next available public hearing, if required, within 90 days of a complete application and proper public noticing being completed.

BE IT THEREFORE RESOLVED BY THE CITY OF LA JUNTA, COLORADO:
That the City opts to participate in this grant process.

ADOPTED AND APPROVED on the 18th day of September, 2023.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk

City Manager Comments

- The Brick and Tile trail is being done by TLM Constructors and we are working with CDOT on necessary documentation, so we can order the bridges and start the project.
- Ayres and Associates are the contractor for the brownfield grant.
- Weeds
- Working with consultants on federal funding to help with water mains, meters and valves.
- We are redoing Carson Avenue between 1st and 5th.
- Pool closed 6th of August, dog day August 12 from 11-1.
- Football has started, volley ball practices have started .
- Art Project/City of La Junta 3 on 3 basketball tournament was a success.
- We picked up 218 Harriet to demo thru EPA.
- We hosted a crime town hall meeting.
- We helped last week with Rural Philanthropy Days at the College and Rocky Ford. All of the major funders were there.